

FACTSHEET

TITLE: **PRELIMINARY PLAT NO. 99027, THE PRESERVE ON ANTELOPE CREEK**, requested by Essex Corporation on behalf of Nebraska Nurseries, Inc., for 137 residential lots, 8 outlots, 2 mixed-use commercial/residential lots and 1 lot for office use, with waiver requests for double-frontage and intersection angles less than 80 degrees, on property generally located at the southwest corner of 80th Street and Pioneers Blvd.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/29/00, 12/13/00 and 01/10/01
Administrative Action: 01/10/01

RECOMMENDATION: Conditional Approval, as revised by staff on January 3, 2001 (7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent).

STAFF RECOMMENDATION: Conditional approval, as revised on January 3, 2001.

ASSOCIATED REQUESTS: Change of Zone No. 3213 (01-103); Special Permit No. 1813, The Preserve on Antelope Creek Community Unit Plan (01R-166); and Use Permit No. 125 (01R-164).

FINDINGS OF FACT:

1. This preliminary plat and the associated change of zone, community unit plan, and use permit were heard at the same time before the Planning Commission. This application had three hearings before the Planning Commission. The minutes are found on p.19-29.
2. The Planning staff recommendation of conditional approval, with the addition of Condition #1.1.29, is based upon the "Analysis" as set forth on p.10-14, concluding that the mixed-use nature of this proposal is consistent with the intent of the district and the application is generally compliant with the Comprehensive Plan.
3. The applicant's testimony is found on p.19-22; 23, and 25-27. The applicant agreed to comply with all conditions of approval.
4. Testimony in opposition is found on p.21, 24, and 26-27, and the record consists of a letter in opposition (p.79), with concerns about the impact of the B-2 uses on the neighborhood. The access to Lucile Drive was also an issue raised by Mike Rierden on behalf of Lincoln Federal Savings Bank (See Minutes, p.24). At the continued public hearing on January 10, 2001, a letter identifying the agreement between the parties (Lincoln Federal Savings Bank/Edenton North and the applicant) was submitted for the record (p.67-69; Also see Minutes, p.26).
5. At the continued hearing on January 10, 2001, a second request from the Army Corps of Engineers was submitted seeking additional information (See p.75-78 and Minutes, p.25-26). The applicant advises that the necessary 404 permit applications have been submitted to the Army Corps of Engineers.
6. On January 10, 2001, the Planning Commission voted 7-0 to agree with the staff recommendation of conditional approval, as revised adding Condition #1.1.29. The Conceptual Master Plan approved with this preliminary plat and the associated community unit plan and use permit is found on p.70-74.
7. On January 16, 2001, a letter reflecting the action of the Planning Commission and the revised conditions of approval was mailed to the applicant (p.2-7).
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the Council agenda have been submitted by the applicant and approved by the reviewing departments.

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY: _____

REFERENCE NUMBER: FS\CC\FSP99027

DATE June 18, 2001

DATE June 18, 2001

**** CORRECTED ****

January 16, 2001

Kent B. Brisk
11606 Nicholas St., Ste. 100
Omaha NE 68154

Re: Preliminary Plat No. 99027
THE PRESERVE ON ANTELOPE CREEK

Dear Mr. Brisk:

At its regular meeting on Wednesday, **January 10, 2001**, the Lincoln-Lancaster County Planning Commission granted approval to your preliminary subdivision, **The Preserve on Antelope Creek**, located in the general vicinity of **80th Street and Pioneers Blvd.**, subject to the following conditions:

Site Specific:

1. After the subdivider completes the following instructions and submits the documents and plans to the Planning Department office, the preliminary plat will be scheduled on the City Council's agenda: (NOTE: These documents and plans are required by ordinance or design standards.)
 - 1.1 Revise the preliminary plat to show:
 - 1.1.1 Adequate parking and dimensions in the proposed B-2, multi-family, and retirement housing areas as required by Chapter 27.67 of the Zoning Ordinance.
 - 1.1.2 Revise the Site Plan to indicate residential uses in the proposed B-2 area.
 - 1.1.3 Revise the plan to indicate that outlots G and H provide a common access easement.
 - 1.1.4 Revise the Site Plan to indicate the number of residential units proposed in the B-2 zone.
 - 1.1.5 Revise the plan to show sufficient setbacks to describe the limits where buildings may be constructed to the satisfaction of Public Works.
 - 1.1.6 Revise the Public Improvements and Easements Plan to indicate a total of 26' for the typical townhome street section instead of 22'.

- 1.1.7 Rename Sumac Drive. The name duplicates the existing Sumac Drive approximately 5/8 miles south of Pioneers Blvd. in Edenton North 5th Add.
- 1.1.8 Rename Burr Oak Lane. It is in conflict with a street named W. Burr Oak Lane at SW 12th between W. Denton and W. Rokeby Roads.
- 1.1.9 Rename Redbud Lane. It too closely resembles Redbird Lane, at SW 27th and W. Van Dorn.
- 1.1.10 Revise note No.7 to refer to Block 3, instead of Block 20.
- 1.1.11 Revise note No.10 to reflect Chapter 27.71 of the Zoning Ordinance which stipulates the projection from buildings, patios, eaves, etc., and include language at the end of the note to the effect “ but not across lot lines.”
- 1.1.12 Revise the plan to include a community recreation plan depicting appropriate outdoor recreation facilities for the independent senior living area and townhome area.
- 1.1.13 Revise the plan to include a note stating “outlot areas, cul-de-sac, and boulevard planting areas are to be maintained by the developer or future homeowners association.”
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- 1.1.15 Revise the plan to add, as stipulation, “any construction or grade changes in LES transmission line easements corridors are subject to LES approval and must be in accordance with LES design and safety standards.”
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- 1.1.17 Revise the plan to include “utility” in the sewer and drainage easements.
- 1.1.18 Revise the plan to indicate the location of an existing 70' electrical transmission line easement through the lake area.
- 1.1.19 Revise the plan to show blanket easements over Lot 1, Block 6, Lot 41, Block 4, and Outlots B, C, F, G, and H.
- 1.1.20 The site plan and all grading and drainage plans should be revised to address the floodplain issues to the satisfaction of the Departments of Building & Safety, Planning, and Public Works & Utilities.

- 1.1.21 Reshape the lots to not extend into the limits of the 100 year flood plain.
- 1.1.22 Reword note 6. It appears to allow the general public to use the public open space.
- 1.1.23 Label the private roadways as outlots.
- 1.1.24 Add a note that indicates Lots 4, 5, 12, 13, and 17 - 20, Block 3, shall relinquish vehicular access to Hawthorne Drive.
- 1.1.25 Add a note that indicates direct vehicular access from individual lot is relinquished to Pioneers Blvd.
- 1.1.26 Provide pedestrian easements for all the sidewalks.
- 1.1.27 Indicate how Sumac Drive will access Lucile Drive.
- 1.1.28 Extend the lot lines of Lots 38-42, Block 1, Lots 17-40, Block 4, and Lots 1-15, Block 5, to abut the access easement.
- 1.1.29 Arboretum Drive and Sumac Drive extended to Lucile Drive.

2. This approval permits a Preliminary Plat consisting of 140 lots provided the City Council also approves:

- 2.1 Change of Zone #3213
- 2.2 Special Permit #1813
- 2.3 Use Permit #125
- 2.4 An exception to the design standards to permit intersection angles less than 80 degrees.
- 2.5 A modification to the requirements of the land subdivision ordinance to permit double frontage on Lot 2, Block 3.
- 2.6 A modification to the 125' horizontal radius with a tangent between curves on Burr Oak Lane, Hawthorne Drive and Redbud Lane.
- 2.7 A modification to the sewer mains 3 ½' behind the curb of the street on the south and west sides of the street as required in the Design Standards.

General:

3. Final Plats will be scheduled on the Planning Commission agenda after:

- 3.1 The sidewalks, streets, private roadways, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
- 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works an erosion control plan.
 - 3.2.2 To protect the remaining trees on the site during construction and development.
 - 3.2.3 To pay all improvement costs.
 - 3.2.4 To submit to lot buyers and home builders a copy of the soil analysis.
 - 3.2.5 To continuously and regularly maintain street trees and landscape screens.
 - 3.2.6 To complete the private improvements shown on the preliminary plat and community unit plan.
 - 3.2.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
 - 3.2.8 To relinquish the right of direct vehicular access from Lots 1, 2, 8, 9, 16, 17, Block 3, and Lot 3, Block 4, to S. 80th Street; and Lots 4, 5, 12, 13, and 17-20, Block 3, to Hawthorne Drive.
 - 3.2.9 To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
 - 3.2.10 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
 - 3.2.11 To inform all purchasers and users that the land is located within the 100 year flood plain and that the grading of the lot shall be in conformance with the grading plan approved with The Preserve on Antelope Creek Preliminary Plat #99027 or as amended by the Director of Planning. The volume of fill material brought into each lot from outside the flood plain

shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

The findings of the Planning Commission will be submitted to the City Council for their review and action. You will be notified by letter if the Council does not concur with the conditions listed above.

You may appeal the findings of the Planning Commission to the City Council by filing a notice of appeal with the City Clerk. The appeal is to be filed within 14 days following the action by the Planning Commission. You have authority to proceed with the plans and specifications for the installation of the required improvements after the City Council has approved the preliminary plat. If you choose to construct any or all of the required improvements prior to the City's approval and acceptance of the final plat, please contact the Director of Public Works before proceeding with the preparation of the engineering plans and specifications. If the required minimum improvements are not installed prior to the City Council approving and accepting any final plat, a bond or an approved Agreement of Escrow of Security Fund is required.

The approved preliminary plat is effective for only ten (10) years from the date of the City Council's approval. If a final plat is submitted five (5) years or more after the effective date of the preliminary plat, the City may require that a new preliminary plat be submitted. A new preliminary plat may be required if the subdivision ordinance or the design standards have been amended.

You should submit an ownership certificate indicating the record owner of the property included within the boundaries of the final plat when submitting a final plat.

The Subdivision Ordinance requires that there be no liens of taxes against the land being final platted and that all special assessment installment payments be current. When you submit a final plat you will be given forms to be signed by the County Treasurer verifying that there are no liens of taxes and by the City Treasurer verifying that the special assessment installment payments are current.

Sincerely,
Russell J. Bayer, Chair
City-County Planning Commission

cc: Owner
Public Works - Dennis Bartels
LES
Alltel Communications Co.
Cablevision
Fire Department
Police Department
Health Department
Parks and Recreation
Urban Development
Lincoln Public Schools
County Engineers
City Clerk
File (2)

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.#: Preliminary Plat #99027
Special Permit #1813
Use Permit #125
The Preserve on Antelope Creek

Date: December 5, 2000

****As Revised by Planning Commission on January 10, 2001****

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for each individual application.

PROPOSAL: Kent Brisk of Essex Corporation, on behalf of Nebraska Nurseries, Inc., is requesting the following :

1. A preliminary plat of 137 residential lots, 8 outlots, 2 mixed-used commercial/residential lots, and 1 lot for office use with waivers for double-frontage, and intersection angles less than 80 degrees;
2. Special Permit for a Community Unit Plan, for 150 dwelling units and for developing retirement housing for 180 dwelling units (both assisted and independent) in an R-3 district;
3. Use Permit for the proposed 15,000 square feet of office floor area in O-3 zone and 66,900 square feet of commercial floor area and 35 dwelling units in B-2 zone.

GENERAL INFORMATION:

APPLICANT:

Nebraska Nurseries, Inc.
7801 Pioneers Boulevard
Lincoln, NE 68506

CONTACT:

Kent B. Brisk
11606 Nicholas Street, Suite 100
Omaha, NE 68154
(402) 431-0500

LOCATION: Southwest corner of 80th Street and Pioneers Boulevard

LEGAL DESCRIPTION: See attached legal descriptions.

REQUESTED ACTION: Approval of Preliminary Plat, Change of Zone, Special Permit and Use Permit.

EXISTING ZONING: R-3 Residential

SIZE: Preliminary Plat - approximately 67.309 acres
Change of Zone B-2 - approximately 5.789 acres
O-3 - approximately 2.193 acres
Special Permit - approximately 58.266 acres
Use Permit - approximately 7.982 acres

EXISTING LAND USE: Nebraska Nurseries

SURROUNDING LAND USE AND ZONING: R-1 to the north with single family residential, R-3 to the east with single family dwellings and a church, south and southwest with vacant land, and O-3 to the northwest with medical office building.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan shows this site as Urban Residential with wetland and Water Bodies along the southwest lines.

HISTORY:

The site has been used as a nursery for over 40 years.

The area was converted from A-1 to R-3 during the **1979** zoning update.

In **April, 1998**, the City Council approved the Preliminary Planned Unit Development.

In **September, 1998**, Change of Zone #3122 for Final P. U. D. and Preliminary Plat #98011 were approved by the Planning Commission.

ASSOCIATED REQUEST:

Change of Zone #3213

SPECIFIC INFORMATION:

TOPOGRAPHY:

The site slopes from east to west to where Antelope Creek is located.

TRAFFIC ANALYSIS:

Pioneers Boulevard is scheduled to be improved during 2000-2001.

PUBLIC SERVICES:

Phares Park is located immediately south of the proposed development.

Holmes Park is located within a mile of the site.

The nearest fire station is located at 84th and South Streets.

Maxey Elementary School is located to the south of the site.

ENVIRONMENTAL CONCERNS:

Protect Holmes Park and Lake and Antelope Commons wetland complex from construction debris and siltation.

AESTHETIC CONSIDERATIONS:

The owner/developer has reached an agreement with adjacent residents to provide landscape buffers to the new single family and independent living developments.

ANALYSIS:

1. This is an application for a preliminary plat, change of zone from R-3 to O-3 and B-2, special permit for Community Unit Plan and retirement housing, and use permit for an office building in proposed O-3 zone, and commercial/residential development in proposed B-2 zone.
2. This application proposes:
90 Single Family Dwellings
44 Townhomes
16 Multi-Family units
120 Independent Living units
60 Assisted Living units
1 Office Building
6 Mixed-Use (Commercial/Residential) buildings with a maximum total of 35 residential units planned for the second floors.
3. The Density Calculation and the Area and Density Calculations Table are not correct. The maximum number of units allowed within this C.U.P. is 421. A total of 330 residential units is proposed.
4. The applicant is requesting a variance on the proposed intersection angles at 80th Street and Sumac Drive, and at Hawthorne Drive and Sumac Drive. The Urban Public Street Design Standards require that "streets should intersect as near as possible to right angles. In no case shall the angle of intersection vary more than 10 degrees from a right angle."
5. A 30' front yard setback is proposed instead of a required 50' front yard setback for the proposed B-2 commercial area fronting Pioneers Boulevard and just east of Lucile Drive. The office property west of Lucile Drive is zoned O-3 with a front yard setback of 20'.
6. A waiver for double frontage lot is requested for Lot 2, Block 3, which fronts on both 80th Street and Sumac Drive. To be consistent with the rest of the lots along the west side on S. 80th, vehicular access to 80th should be relinquished.
7. The applicant is requesting an adjustment to the building height. The independent living building in Lot 1 Block 1 will be a maximum of 45' instead of 35' as allowed in the R-3 zoning district.

8. Rear yard setbacks for lots in R-3 zoning districts shall be the smaller of 20% of the lot length or 30'. Adjustments are requested on lots longer than 125' in Blocks 1, 3, and 4 to 25'.
9. The Lincoln City/Lancaster County Comprehensive Plan states, "Commercial areas in the developing area of the city are anticipated to have, on average, a floor to area ratio (FAR) of 0.25. Higher or lower FAR may be appropriate if the sites are found to be suitable for a more intensive or a less intensive density..." (Page 53) The proposed office in the O-3 zone has a FAR of 23.288%, the proposed uses in the B-2 zone have a FAR of 26.527%, and the average FAR is 25.869%.
10. The application conforms with the location criteria and strategy for neighborhood centers on page 64 of the Lincoln City - Lancaster County Comprehensive Plan, which encourages neighborhood centers located half-way between two arterial streets.
11. The Public Works and Utilities Department noted that some lots along Sumac Drive may have marginal building depths because of the street location with respect to the flood plain.
12. The Public Works and Utilities Department has the following comments on the Water Main System:

The design standards require water mains on the north and east sides of roadways. Many of the mains are shown on the south and west sides. Easements meeting design standards are not shown on the plans. The easements must include the width of the roadway being paralleled and a minimum of 15' beyond the main on the side of the main opposite the roadway. The main along Arboretum Drive must be 8" diameter since it serves commercial buildings. The mains in the cul-de-sacs must be extended farther around the cul-de-sacs to provide a tappable main abutting each property.

13. The Public Works and Utilities Department has the following comments on the street system:

The proposed street system does not meet design standards in regards to the horizontal curves shown. Design standards require a 125' horizontal radius with a tangent between curves. Numerous locations do not meet these requirements.

A variance is requested in Burr Oak Lane, Hawthorne Drive and Redbud Lane to slow down traffic movement. Public Works and Utilities Department has no objection to the request.

The grade of 80th Street approaching Pioneers Blvd. does not meet standards for a 2% platform.

The median approaching Pioneers does not provide lane alignment with 80th north of Pioneers for potential traffic crossing Pioneers. The plan needs to be revised to show the existing paving across Pioneers and a safe alignment for the intersection. A minimum of a 50' depth right-of-way is required for 80th south of Pioneers. A water feature as shown on sheet 4 is not acceptable in this stub right-of-way.

14. The Public Works and Utilities Department has the following comments on the traffic issues:

Public Works has previously requested all access to Pioneers be eliminated except at Lucile Drive and at 80th Street. The plan shows a driveway for Arboretum Drive east of Lucile Drive. If this street location is approved over Public Works objections, a right turn lane should be constructed for this driveway. Pioneers Blvd. is approved to be built without medians. The traffic study shows only right turn in and out access. If this location is approved, the plan needs to be revised to assure only right turn traffic in and out of this driveway. This driveway location does not meet design standard separation requirements between it and 78th Street on the north side of Pioneers Blvd.

15. The Public Works and Utilities Department has the following comments on the Sanitary Sewer System:

Easements per design standards are not shown for the sanitary sewer. The 10' easement shown for the existing Antelope Creek trunk sewer is not sufficient.

The sewer mains are shown in the center of the street. Revise the plan to show the mains 3 ½' behind the curb of the street on the south and west sides of the street as required in the Design Standards.

The applicant is requesting a variance from this requirement to preserve existing trees on site. Public Works and Utilities Department has no objection to the above requests.

16. The Public Works and Utilities Department has the following comments on the Drainage and Grading:

No drainage study meeting design standards has been submitted. The design standards referenced in the submittal are the previous standards. The submittal does not meet current design standards. The information required to size the pipes has not been shown.

No detention has been provided and no waiver requested for the increased runoff to Pioneers Blvd.

17. The Public Works and Utilities Department has no objection to the concept of the dwelling units in Block 3 with vehicular access through Outlots G and H to Hawthorne Drive. Street addresses for these dwelling units would be assigned as Hawthorne Drive addresses.

18. The Lincoln-Lancaster County Health Department (LLCHD) has the following comments:

LLCHD has not found any serious potential negative environmental health impacts, and commends the applicant's stated objective of, "An extensive effort is planned by the owner to relocate trees and minimize tree loss." In addition, LLCHD endorses the mixed-use concept to minimize vehicle miles traveled and therefore, reduce air pollution.

Due to the proximity of R-3 zoning, LLCHD does have concerns regarding the storage and/or use of hazardous chemicals if the nursery is incorporated.

LLCHD encourages the applicant/developer to ensure that building footprints are not within the flood plain. Given the proximity of the flood plain to the proposed development, LLCHD has some concern over future developments in the watershed possibly changing the flood plain boundary.

19. Nicole Fleck-Tooze has the following 6 comments: The “Preliminary Drainage Analysis Report” submitted for this project indicates that *“the elevation of the 100 year flood has been lowered to limits shown on the Drainage Basin Map”* and that an *“application for officially changing the 100-year flood elevation is currently pending.”* A Letter of Map Revision (LOMR) to the FEMA floodplain maps was approved for this site in 1998. The 100-year floodplain limits shown on all plans should reflect the approved LOMR and corresponding 100-year flood elevations. If it is proposed that these elevations are now lower or less restrictive than that which was approved with the 1998 LOMR, a new LOMR must be approved by FEMA before receiving building permits based upon a lower flood elevation.
20. No plan has been submitted labeled the “Drainage Basin Map.” It is not clear if the 100-year flood limits shown on the Site Plan, Pre- and Post-Development Drainage Plans, and the Grading and Drainage Plan is equal to the 100-year floodplain approved with the 1998 LOMR or whether a revised 100-year floodplain is being shown based upon the lower 100-year flood elevations as described in the “Preliminary Drainage Analysis Report.”
21. The building envelopes identified on the Site Plan are shown to be outside the limits of the 100-year floodplain. However, these envelopes need to be dimensioned so that their exact boundaries can be measured.
22. The 100-year flood elevations identified in the table “Minimum Buildable Area Elevations” on the Grading and Drainage Plan do not appear to be consistent with the grades identified with the contours on the same plan. The proposed grades on the grading plan appear to indicate by elevation that the 100-year flood limits would cover a greater portion of some lots than indicated with the floodplain line and would in some cases extend into the building envelopes.
23. The Grading and Drainage Plan indicates that no fill material will be placed within the 100-year floodplain except for that necessary for construction of an access to the LES transmission pole located within the existing pond. Certification is provided that the construction of this access will cause no rise within the floodway.
24. A notation on the Grading and Drainage Plan indicates that all elevations are in NAVD 1988. However, the elevations shown with the proposed and existing contours are two and three digits, respectively. This makes it unclear which datum is being used. All elevation notations should be revised to reflect NAVD 1988 and to include all four digits.
25. Parks and Recreation suggests that street trees used come from the Approved Tree List. However, it is not required for the private roadways.
26. The Army Corps of Engineers asked that the applicant submit a permit application addressing the following questions:
 1. Are all of the ponds existing?

2. Will fill materials be placed in any water of the US? If so, where and how much area will be filled?
3. Is there now or will there be a vegetated buffer strip along the ponds/creek channel?
4. How many and what species of trees will be removed? Will they be replaced?
27. Lower Platte South Natural Resources District noted that the erosion protection should be shown at the flared end section, and the use of grassy swales could be used instead of buried storm sewer pipe in a few locations, Outlot C and between commercial lots and the townhome lots. Both would run along the trail system.
28. The Fire Department and the United Postal Service agree with the proposal as submitted.
29. Comments for the resubmitted plans have not been received from Nebraska Games and Parks Commission.
30. The owner/developer has reached an agreement with adjacent residents to provide landscape buffers to the new single family and independent living developments.

CONCLUSION:

Community Unit Plan is strongly encouraged in R-3 zoning districts to foster improved and innovative design, a mix of housing types and socio-economic groups. The mixed-use nature of this proposal is consistent with the intent of the district, and should be given consideration for the C.U.P. application. The application is generally compliant with the Comprehensive Plan.

STAFF RECOMMENDATION:

Preliminary Plat #99027	Conditional approval and approval of waiver requests
Special Permit #1813	Conditional approval
Use Permit #125	Conditional approval and approval of a waiver request

Site Specific:

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- 3.1 The sidewalks, streets, private roadways, drainage facilities, street lighting, landscape screens, street trees, temporary turnarounds and barricades, and street name signs have been completed or the subdivider has submitted a bond or an escrow of security agreement to guarantee their completion.
 - 3.2 The subdivider has signed an agreement that binds the subdivider, its successors and assigns:
 - 3.2.1 To submit to the Director of Public Works an erosion control plan.
 - 3.2.2 To protect the remaining trees on the site during construction and development.
 - 3.2.3 To pay all improvement costs.
 - 3.2.4 To submit to lot buyers and home builders a copy of the soil analysis.
 - 3.2.5 To continuously and regularly maintain street trees and landscape screens.
 - 3.2.6 To complete the private improvements shown on the preliminary plat and community unit plan.

- 3.2.7 To maintain the outlots and private improvements on a permanent and continuous basis. However, the subdivider may be relieved and discharged of this maintenance obligation upon creating in writing a permanent and continuous association of property owners who would be responsible for said permanent and continuous maintenance. The subdivider shall not be relieved of such maintenance obligation until the document or documents creating said property owners association have been reviewed and approved by the City Attorney and filed of record with the Register of Deeds.
- 3.2.8 To relinquish the right of direct vehicular access from Lots 1, 2, 8, 9, 16, 17, Block 3, and Lot 3, Block 4, to S. 80th Street; and Lots 4, 5, 12, 13, and 17-20, Block 3, to Hawthorne Drive.
- 3.2.9 To perpetually maintain the sidewalks in the pedestrian way easements at their own cost and expense.
- 3.2.10 To comply with the provisions of the Land Subdivision Ordinance regarding land preparation.
- 3.2.11 To inform all purchasers and users that the land is located within the 100 year flood plain and that the grading of the lot shall be in conformance with the grading plan approved with The Preserve on Antelope Creek Preliminary Plat #99027 or as amended by the Director of Planning. The volume of fill material brought into each lot from outside the flood plain shall not exceed that shown on the approved grading plan accompanying the preliminary plat.

Prepared by:

Ching-Yun Liang
Planner

**CHANGE OF ZONE NO. 3213;
SPECIAL PERMIT NO. 1813,
THE PRESERVE ON ANTELOPE CREEK
COMMUNITY UNIT PLAN;
USE PERMIT NO. 125;
and
PRELIMINARY PLAT NO. 99027,
THE PRESERVE ON ANTELOPE CREEK**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

November 29, 2000

Members present: Carlson, Steward, Newman, Duvall, Hunter, Schwinn, Krieser, Taylor and Bayer.

Planning staff recommendation: Approval of the change of zone and conditional approval of the special permit, use permit and preliminary plat.

The Planning staff requested a two-week deferral to advertise a revised legal description. Schwinn moved to defer, with continued public hearing and administrative action scheduled for December 13, 2000, seconded by Hunter and carried 9-0: Carlson, Steward, Newman, Duvall, Hunter, Schwinn, Krieser, Taylor and Bayer voting 'yes'.

Proponents

1. Bill Kubly, 2417 Ridge Road, CEO of **Landscapes Unlimited, L.L.C.**, presented the application. Landscapes Unlimited purchased Nebraska Nurseries from Richard Speidell approximately 1.5 years ago because of its natural setting and it is considered to be the best of its type and size in the City, second only to Wilderness Woods. The very natural setting will be maintained utilizing existing plant materials to provide a setting for living unparalleled in the midwest. The natural site and character will be maintained as it is today. They will utilize the ponds and create a most desirable place to live in Lincoln. There are 1,000 trees on-site grown for landscape stock and they will be used on the site to create and maintain the natural setting.

2. Kent Brisk, Essex Corporation, 11606 Nicholas St., Omaha, submitted renderings of the unifying elements and the commercial and office lots. The area is generally located between 77th Street on the west, south of Pioneers running over to approximately 81st Street. This is currently the home of Nebraska Nurseries and as such is a heavily treed site; the land gently slopes from the northeast to the southwest down toward some ponds at the south end of the property. The existing ponds are in the Antelope Creek drainageway.

This site is approximately 67 acres. The proposal represents a modification of a plan that has previously been submitted and approved (Antelope Commons). The land currently is zoned R-3; to the east of the site is R-3 single family; to the south and west is R-3; immediately to the west across the street is O-3; and to the north of Pioneers is R-1 single family.

The proposed development includes 90 single family dwellings; 44 townhomes; a seniors/independent living facility and assisted living facility; two small two-story, multi-family 16-unit apartment complex; commercial office area on the waterfront; the northwest corner is a B-2 area that will be a commercial/mixed use area. The intent is to maintain the site in its current condition as much as possible; there are over 1100 trees on-site that can be relocated; and they intend to maintain the grade and as many trees as possible.

Generally speaking, this application attempts to create a small village concept featuring a variety of housing choices. Additionally, they are attempting to create a commercial mixed use area with light commercial shops on the first floor with residential or office on the second floor. The attempt is to create an area that would provide services to the residential neighbors and the surrounding residential neighbors. The type of services would be ice cream shop, deli, garden center, Hallmark Card Store, etc. The commercial features include an entry sculpture or water feature with a water feature at the south end of the site which will be a focal point.

Photographs of the type of commercial/business development for the B-2 area were also submitted. The two-story, pedestrian oriented buildings will be set back 20' to allow a lot of green space in front of the buildings to provide for outdoor tables, umbrellas, benches, sculpture, etc. The parking spaces are behind the buildings in an attempt to keep it a pedestrian area.

The entire site is tied together with walkways and pathways that allow people to move comfortably through the site. Walkways will go across the pond and tie in with the trail.

Brisk indicated that they have met with the residents to the east of the property; and the property immediately south and across the street south of Pioneers. They have modified the plan as a result of the meetings with the neighbors. The size of the lots for the residential area on the east side has been increased, decreasing the density and making the lots larger and more compatible with the homes east of that area. They will do some planting on the west to screen the residential areas. As they begin to put in streets and utilities, they will relocate trees. The trees will be marked and the residents will be allowed to select the trees that they want and where they will be relocated. Behind the independent living, they plan to do a berm with landscaping and trees. Pioneers Blvd. and Lucile Drive and the parking area that subdivides the townhomes from the commercial area will be screened with a berm and trees.

Kubly added that because of the 1100 existing trees, the developer wants to maintain the look that exists. They do not desire a standard street tree planting plan, but request to utilize more trees and make them appear to be there in nature. The median has been planted by Mr. Speidell and it is maintained. The plantings will be intensified with a lot of ground cover to make it look very natural and very wooded. The existing Pin Oaks do not have the iron disease. The plant material does not belong to the nursery business but to the developers of the land.

Carlson asked the applicant to discuss the ponds and their relationship to Antelope Creek. Kubly responded that the ponds were constructed with the help of the NRD some 5-7 years ago. The NRD contributed some funding to get this done for Speidell in his original plan. The ponds are flood detention for Antelope Creek. There is some silt protection and these ponds prevent the silt from getting further downstream. The ponds are currently used for fishing for the Bright Lights program.

Steward recalled that one of the original notions of the single family part of this project from Speidell was a permit to allow second structures in addition to the main structure, or the ability to take care of an elderly parent. Do you have any thoughts or plans in that direction? Brisk indicated that this developer has not taken that same approach. All of the lots are single family.

Hunter inquired whether there was any concern about the closeness of ingress and egress to the single family residences. Brisk stated that they have talked with staff, resulting in the proposal of a right-in right-out with triangular median which would prevent a left hand turn from Pioneers into that area, or would also prevent a left hand turn out of that area. When there is a right-in right-out, the distance from Lucile is 300', which they did not believe to be too close and that it was probably not a problem. There had been some discussions as to whether this developer will get a cut-through effect to avoid a traffic light, but with a business oriented area, the developer believes that to be of minimal concern.

Schwinn noted that the staff report includes a number of conditions. Brisk stated that they have read the conditions and they have no issue or concern. They will be meeting with staff to get some clarification, particularly with the flood control issues.

3. Mike Morosin, past President of the Malone Neighborhood Association, testified in support. He is glad to see the development utilizing the ponds. These are the headwaters of Antelope Creek and the Malone neighborhood is the recipient. He is hopeful other developers will take the time to take a look at all these tributaries and detain that water and slow it down. He appreciates that they will look at the flood control issues.

Opposition

1. Ken Kontor, 4210 So. 78th Street, corner of 78th & Pioneers, across the street from the proposed B-2 zoning, testified in opposition. He received notice of this application and hearing on November 20th, so he has only had nine days to research it. The reason he is opposed is because of the fact that "it is the best way to go right now". His number one concern is that on 78th Street he has a hedge that acts as a buffer between his home and Pioneers Blvd. Two weeks ago, the people from Planning were taking pictures at his home and they were looking at the possibility of removing the hedge. His hedge is 7' and he does not want it removed. Another concern is that two of his bedrooms are on the south side of his home. Therefore, he is concerned about the lighting in the parking lot. The developer does not know what type of lighting will be installed in the parking lot. Is there a PUD on this project? The step from R-3 to B-2 is a concern. He believes this is an awfully big leap and open-ended. He wants to know what the uses are going to be. He is concerned about the quality of the B-2 area. His neighbor, Bill Allen, 8000 Pioneers, could not attend today, but he is also in opposition. Kontor wants the opportunity to sit down with the developers to look at maintaining the quality on the other side of Pioneers Blvd.

Bayer suggested that that meeting could occur in the next two weeks.

Ray Hill of Planning staff advised that the people out looking at Kontor's hedge were not from the Planning Department. It may have been someone from Public Works investigating the widening of Pioneers Blvd. Bayer asked whether the City puts a new hedge in if they remove the existing. Dennis Bartels of Public Works advised that typically on a street widening project, if the hedge is in the existing right-of-way, there would be no obligation to replace it. The city will either purchase the right-of-way or a construction easement to get into vegetation. If that were the case, the city would be obligated to pay the cost of damages to the vegetation. We like to pay the property owner enough to replace it, but that in theory is taken care of in the price of the fee simple right-of-way or the construction easements. Typically, on private property, the city does not replace but would be obligated to pay the property owners for damages if the owner wished to replace it.

Carlson inquired about the impact on the setbacks in the event of street widening. Bartels advised that the Pioneers Blvd. project is in this year's approved budget and the plans are being prepared by the Design Section of Public Works. There is no firm commitment as to when it will be built, but the funding is approved. With this project, the developer is dedicating right-of-way 50' from the centerline and this is sufficient to build the pavement. If this development occurs before the city's project, the grading plan should meet the city's future right-of-way grades as much as possible. If this development occurs after the city's project, the setback should not be a problem. Bartels does believe, however, that the anticipated widening will fit in. Carlson sought confirmation that even with the request for waiver there will be 50' of right-of-way. Bartels concurred and believes Public Works would require the grading plan to start at the 50' line to have minimal effect on the private property.

Bartels stated that he had raised concerns about the driveway. From a Public Works traffic engineering point of view, they prefer to minimize the number of driveways and entrances off an arterial street with the goal of keeping better traffic flow on the major streets. Public Works would prefer that all access be taken from Lucile or 80th Street in this circumstance. One question Bartels has raised is the offset. He does not know the relationship of the driveway to 78th Street. Right turn in and out is a better situation than a full access driveway. The applicant had indicated a willingness to make the right turn in and out.

Response by the Applicant

Brisk has talked with the opposition. The developer did send letters to everyone on the north side of Pioneers this summer, and they did talk about the parking lot across the street. They have not gotten into the specificity of the light fixture but will talk about down-lighting for that area to maintain the pedestrian measure. The types of businesses will be operating from 8:00 a.m. to 10:00 p.m. The intent is to berm that area between this developer's property and Pioneers Blvd. and they will plant shrubbery in that area to help screen the cars in that parking area from Mr. Kontor's lot.

Steward assumed that it would be reasonable to note that this applicant is apparently planning upper story living in the office structures, so from the standpoint of acceptability, that corner needs to be a quiet commercial corner to make this strategy work. Brisk concurred.

There was no further public testimony. These applications will have continued public hearing and action on December 13, 2000.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Planning staff recommendation: Approval of the change of zone and conditional approval of the special permit, use permit and preliminary plat.

Kay Liang of Planning staff submitted a letter from Ken Kontor and Terry Allen expressing concerns about the effects of the uses allowed in the B-2 district. They would like to meet with the developer again and requested further continuance of the public hearing.

Proponents

1. Kent Brisk, Essex Corporation, appeared on behalf of Landscapes Unlimited, the developer. He provided new information only. The developer has reviewed the rather lengthy staff comments and agrees with the staff analysis, except for part of #13: “....The grade of 80th Street approaching Pioneers Blvd. does not meet standards for a 2% platform.” The developer is requesting to comply with the newly adopted Design Standards which would provide for a 3% platform. That is the only change the applicant is requesting.

The applicant has met and made a presentation to Ken Kontor and Terry Allen. Their concerns are their property values. Brisk does not believe they are concerned with what this developer talks about, but rather, they feel that based on what happened in another development in the area, they were told certain things that did not happen. In the B-2 area, the developer is looking at things like a deli and card store that won't get expanded to other things. These property owners want the developer to limit the kinds of things that will go into the B-2 area. Brisk is only one of the principals and could not make that representation without talking with the other partners, so he has agreed to talk further with the property owners later on. Brisk stated that the developer would agree to disagree as to whether this development will affect the property values of those property owners.

Brisk assured that the developer intends to meet again with Kontor and Allen; however, Kontor is out of town and they won't be able to reconvene until next week.

Bayer stated that he has talked with Ken Kontor and one of his concerns is whether or not the second story or upper story of the office structures would be used for residential. Kontor got the impression at the meeting that there was no guarantee that the second story would in fact be residential. Brisk responded, stating that the application shows the upper level of these structures being reserved for either office lots or residential lots, with a maximum of 35 units in the form of apartments in the six various buildings. While the developer hasn't concluded totally that they are going to be residential, they could be executive suites, accounting offices, etc.

Bayer inquired whether Arboretum Drive will connect into Lucile Drive. Brisk responded in the affirmative. Bayer is not sure that is possible based upon the information that the Commissioners have, because there is a strip of land shown there. Brisk is aware of that strip of land which is owned by the owners on the other side of the street. He acknowledged that the this developer and that property owner need to talk about getting that access. They have not yet had that conversation.

Opposition

1. **Mike Rierden** appeared on behalf of **Lincoln Federal Savings Bank**, the owner of the strip of ground on the west side of Lucile Drive and the owner of a great deal of the residential development to the south and that which is currently being developed today. Lincoln Federal believes this is an excellent layout. Lincoln Federal likes the residential layout, the townhomes, the assisted living, and the office to the south. However, the primary concern of Lincoln Federal is the B-2 on the corner of Lucile and Pioneers. Their concern is with the various types of uses that are allowed in B-2 and Lincoln Federal does not believe they may be compatible with the residential uses that exist or are planned to be built. A more compatible commercial district such as O-3 might be more appropriate.

Rierden then referred to the strip of ground and access. There was a problem with the section lines for Lucile Drive because they did not line up. Lucile Drive did not line up with the street to the north. Lincoln Federal was required to meander Lucile Drive to the west which left the strip of ground as an area which had to be taken care of as an outlot. Rierden recalled that there was some discussion when Speidell owned this property about that access, but he does not believe there were any specifics agreed upon. Public Works thought there might be a public access easement in there. In any event, Lincoln Federal's concern is the B-2. Lincoln Federal was required to have one point of access on Pioneers and it has been a policy of Public Works not to have any further access points or driveways on Pioneers. Arboretum Drive is connecting to Pioneers. We do not want this to have an adverse impact on the timing for installation of a traffic signal at Lucile Drive and Pioneers. We want to see a traffic signal placed at that intersection as soon as possible. He does not know whether this Arboretum Drive would have an adverse impact, and if it does, Lincoln Federal is opposed to this access point because they need that traffic signal.

Steward inquired whether Lincoln Federal is available for negotiations about the access. Rierden agreed that they would be available for discussion.

Steward inquired of staff as to a logical zone designation to accommodate neighborhood type commercial on the ground floor and residential above, other than B-2. Jason Reynolds of Planning staff stated that the R-T Residential Transition district does not allow business on the ground floor with dwellings above as a permitted use. Some of the office districts, however, do permit dwellings, i.e. O-3 Office Park allows office buildings as well as single, two-family and multiple dwellings, and requires a use permit. Dwellings are permitted above the first story of a building in the O-2 Suburban Office District, as well as O-1; however, O-1 is generally restricted to the area right around the Capitol. Reynolds believes that B-1 and B-3 would also allow the residential above the commercial uses.

Carlson inquired whether there is an option in the B districts to specifically designate the kinds of retail uses that the developer might want to have. Reynolds suggested that that could be accomplished within the use permit in the B-2. Individual uses are identified on the lots.

Bayer asked staff how it is possible to go forward with a recommendation without the access to Lucile Drive being resolved. Liang suggested that it is definitely something that needs to be researched. Bayer thinks it needs to be deferred. Staff would agree.

Response by the Applicant

With regard to the B-2 uses, Brisk stated that they did research the alternatives with what they are trying to do in that area. The intent is to provide neighborhood business types of uses in the Lucile Drive area. He believes that B-2 is really set up for exactly what they are doing. The Comprehensive Plan provides for the establishment of local retail shopping facilities which will provide for planned and controlled consumer services for new areas. The whole flavor of what this developer is trying to do is to provide neighborhood centers for shopping for the entire general neighborhood. To go into an office setting really takes us out of the types of things that we are trying to develop for uses for that neighborhood. When the developer talked with staff originally, they were trying to indicate the character of the things that they are interested in providing, with two-story masonry buildings. It is the developer's understanding that the renderings submitted do establish what the developer has to provide as far as quality is concerned. Brisk advised the Commissioners that this developer has retained some ownership and it is in this developer's best interest to maintain the quality of what happens in the B-2 area. At this time, however, they have done no marketing and there are no tenants that are in line to take over that space.

Steward stated that he certainly concurs with the intent, but he believes there is reasonable concern on the part of other neighbors as to what may happen if this is zoned B-2 and the permission characteristic of someone other than this developer converting that property according to that zone. If there is intent to have neighborhood business and residential or neighborhood service office use on the second floor, then this does the city a service. But the B-2 zoning district provides other opportunities and therein lies his concern. Brisk stated that the developer does have envelopes laid out so they are restricted in the size of building which starts to limit the kinds of things that would go into that area.

With regard to the types of uses in B-2, Reynolds offered that it would be possible for the applicant to add a note on the plan delineating uses which are forbidden. That could be changed in the future; however, and not necessarily administratively.

Bayer thought a deferral might be an excellent opportunity to resolve some of the use issues, such as how to protect the neighbors on all sides.

Steward moved to defer until January 10, 2001, seconded by Hunter and carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

Members present: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer; Taylor and Steward absent.

Kay Liang of the Planning staff submitted a letter from the Army Corps of Engineers dated January 2, 2001, advising that the applicant must submit a permit application to address the four questions set forth in the Corps of Engineers letter dated November 17, 2000.

Proponents

1. Kent Brisk, Essex Corporation, testified on behalf of Landscapes Unlimited. This hearing was postponed on December 13, 2000, to address the issue of access to Lucile Drive. This applicant does have an access easement. The applicant has met with Lincoln Federal which had control of that land (Outlots E and F adjacent to Lucile Drive) to discuss that access as well as the maintenance of that area which would actually be along the east side of Lucile Drive. At the same time, this applicant and Lincoln Federal have developed an understanding regarding the B-2 area, which Mr. Rierden spoke of at the last hearing. Lincoln Federal and Nebraska Nurseries have entered into a letter of understanding which would restrict the permitted uses in the B-2 area.

2. Michael Rierden appeared on behalf of **Lincoln Federal**. He stated that even though Lincoln Federal lost somewhat of their leverage because there is a public access easement, this developer is still willing to work with Lincoln Federal. Rierden submitted the letter agreement in which the applicant limits the types of uses under the B-2 that they would be looking for.

Brisk added that the applicant has eliminated about 20 uses that are not advantageous to the nature and character of the development as well as the neighbors. Brisk acknowledged that there were other objections by Mr. Kontor. Mr. Kontor has been provided with a copy of the agreement with Lincoln Federal.

In regard to the Corps of Engineers, Brisk stated that he has responded to the Corps of Engineers. The applicant has also met with the Planning staff regarding all comments and, with exception to the waiver requests, they will comply with the staff conditions of approval.

Carlson wondered whether the issue with the Corps of Engineers could be dealt with between now and when this project appears on the Council agenda. Brisk assured that the applicant will deal with the Corps' letter. Liang pointed out that the questions in the Corps' letter refer to the 404 permit. The applicant needs to submit the required information.

Opposition

1. Ken Kontor, 4210 So. 78th Street, testified in opposition. He has met with Mr. Brisk once and has had two telephone conversations, but he still has concerns about the parking lot across the street from his home on 78th & Pioneers. He has asked the question repeatedly about the lighting and he has not received an answer. He is opposed from that standpoint because there will be additional lighting with the widening of Pioneers Blvd. His second issue is the use of the loft space on the B-2 zoned area. Two meetings ago the question was asked as to the use and the answer was “residential”, which means the businesses would have to be an 8:00 a.m. to 5:00 p.m. scenario. But after further discussion and at the December meeting, it was indicated that these could be offices as well as residential. This is a concern to him as far as the type of businesses. The letter agreement with Lincoln Federal is a step in the right direction, but a major concern is the use and sale of alcoholic beverages. The B-2 is not appropriate for the neighborhood and quality of life.

2. Bill Allen, 8000 Pioneers Blvd., directly across the street, abutting Kontor on the east, testified in opposition to the B-2 zoning. They are fearful of a West Van Dorn situation.

Staff questions

Bayer inquired whether the letter agreement between the applicant and Lincoln Federal is binding. Rick Peo of the City Law Department stated that it is a potentially binding agreement between the parties. They might want to have covenants to insure those same provisions so they run with the land. The City Attorney would be opposed to incorporating the agreement into the use permit as to the restriction of uses. It would appear to be contract zoning and there is not a record as to why certain uses are prohibited or not prohibited. It is a private arrangement that should not be incorporated into the use permit. Design covenants as to the site plan and the types of building designs is a representation from the developer that could be incorporated.

Bayer thought that covenants have been made a condition of approval in the past. Peo advised that covenants have been attached and recorded, but it is a private arrangement between the parties.

Response by the Applicant

With regard to the B-2 area, Brisk suggested that it really goes to the heart of this development. This is a mixed use development type area. The intent of this project was more of a European design--new urbanism which had areas for retail, mixed housing, commercial type uses, with a predominance of public space. That is what we are trying to do as well as maintain that environment that is heavily treed and landscaped. The agreement attempts to provide the characteristic of what is trying to be achieved and the nature of pedestrian design and a pedestrian friendly development.

With regard to the parking lot lighting, Brisk stated that at this stage they have not designed the parking lot lighting. They will be required to meet certain foot candles and the developer will also have as big a concern about the lighting with the residential townhomes behind the parking lot, so that will be a sensitive issue.

Brisk acknowledged that they have left the liquor uses in. The B-2 zoning talks about a sit-down sale and drink or even a carry-out--consumption on premises and off-premises.

Ray Hill of Planning staff offered that there is a provision in the design standards for parking lot lighting that deals with light intensity and talks about illumination levels. There would probably be more light generated from the street lights than this parking lot once they comply with the lighting standards.

Hunter referred to the uses in the business area, and wondered whether there is any other way to zone that would restrict it down to the point where some of the uses could be done by special permit. Hill advised that a change of that nature would require readvertising and notification. Hunter again asked if there was no way to zone this differently than B-2 to allow for most of the uses and some of the others by special permit. Peo was not familiar with the uses this applicant is proposing, but the B-2 is probably the only way to get the businesses. Office zoning eliminates the business uses. O-3 allows office and residential. This property was previously approved as a PUD which was terminated.

Public hearing was closed.

CHANGE OF ZONE NO. 3213

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 10, 2001

Carlson moved approval, seconded by Schwinn.

Hunter can see the tone of the structure of this development--it is clear looking at the site plan and it really is a beautiful development, but her concern is that the B-2 zoning is so broad in terms of where the development goes. If they sell the property it could be restructured otherwise.

Motion for approval carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

SPECIAL PERMIT NO. 1813

THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 10, 2001

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Carlson.

Carlson commended the owners for continuing to move forward on this project which is a new idea. He is excited. He thinks people will line up to move into a neighborhood like this. I can walk to office space. I can walk to retail space. It's an old idea come back new. If anything, this, to him, illustrates why we need to take a second look at the code and find out why it is so hard to get a superior idea through the process. This is a great idea and it is going to be a good development.

Newman does not want to be insensitive to the people from the neighborhood because there are very serious misgivings to any change whatsoever; however, she thinks the developer has tried to react responsively and she is hopeful they can satisfy the neighbors.

Carlson further commented that the concerns about the B-2 zoning are completely valid and maybe we need a mechanism for more safeguards.

Motion for conditional approval carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

USE PERMIT NO. 125

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 10, 2001

Hunter moved to approve the Planning staff recommendation of conditional approval, with amendment to add the Conceptual Master Plan renderings as part of the use permit, seconded by

Krieser and carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

PRELIMINARY PLAT NO. 99027

THE PRESERVE ON ANTELOPE CREEK

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

January 10, 2001

Hunter moved to approve the Planning staff recommendation of conditional approval, as revised, seconded by Carlson and carried 7-0: Hunter, Krieser, Carlson, Duvall, Newman, Schwinn and Bayer voting 'yes'; Taylor and Steward absent.

MEMORANDUM

DATE: January 3, 2001

TO: Planning Commission Members
Dennis Bartels - Public Works & Utilities Department
Ray Hill - Planning
Rick Peo - City Law
Kent Braasch
Michael Rierden

FROM: Kay Liang, Planning Department

SUBJECT: The Preserve on Antelope Creek - access to Lucile Drive.

COPY: file

Edenton North 3rd Addition Final Plat, which is generally located at Lucile Drive/76th Street and Pioneers Blvd. documented that a public access easement is dedicated to the City of Lincoln for the future roadways to connect into Lucile Drive from the east.

Rick Peo, City Attorney, reviewed the above final plat and concluded that the extension of Sumac Drive and Arboretum Drive to Lucile Drive is legitimate. As indicated by Rick, the following condition shall be met before Preliminary Plat #99027 is scheduled on the City Council Agenda.

1.1.29 Arboretum Drive and Sumac Drive extended to Lucile Drive.

Attached is a copy of the memo from City Attorney. If you need additional information, please contact me at 441-5662.

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INTER-DEPARTMENT COMMUNICATION

TO Kay Liang
DEPARTMENT Planning
ATTENTION
COPIES TO

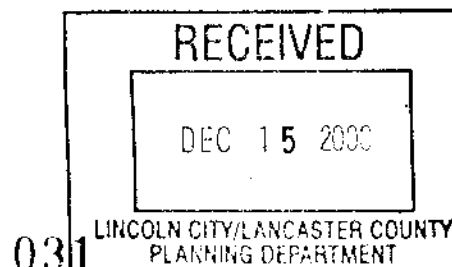
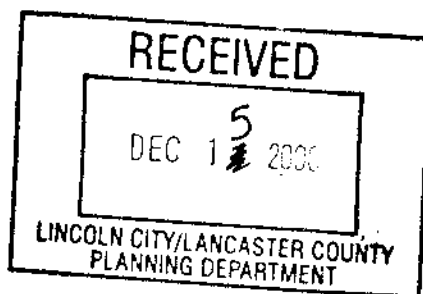
DATE December 15, 2000
FROM Rick Peo *Rick Peo*
DEPARTMENT City Law
SUBJECT Preliminary Plat No. 99027
- The Preserve on Antelope
Creek

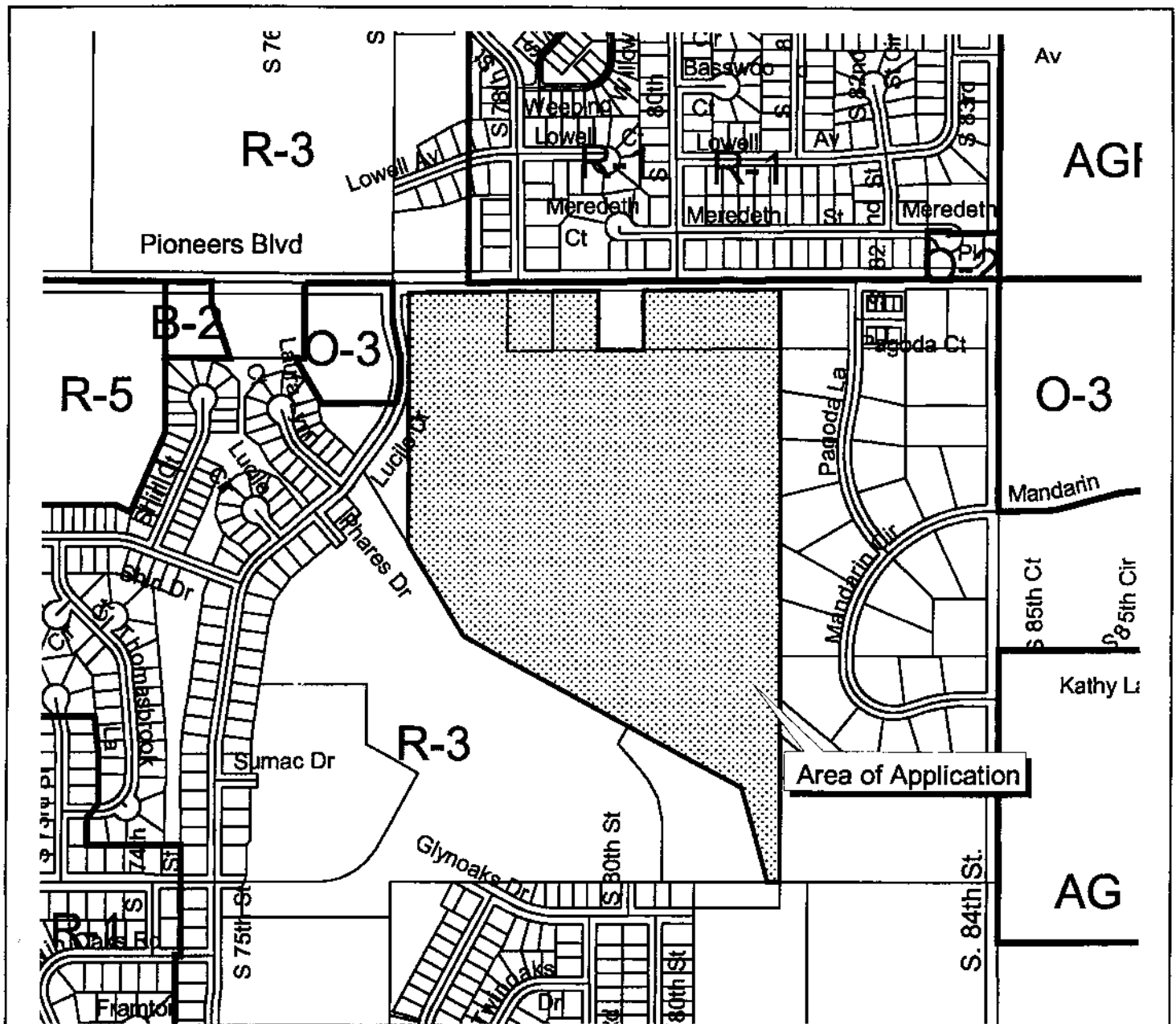
At the Planning Commission hearing, an issue came up as to how the streets within the preliminary plat of The Preserve on Antelope Creek (in particular Sumac Drive) will access Lucille Drive as the streets within this preliminary plat are separated from Lucille Drive by Outlots E and F located within Edenton North 3rd Addition.

When we met yesterday, we looked at the final plat of Edenton North 3rd Addition and it includes within the dedication thereof the following: "A public access easement within Outlot E and Outlot F is hereby dedicated to the City of Lincoln for future roadways to connect into Lucille Drive." I believe that the public access easement which is a blanket easement on those two outlots is sufficient to enable the streets within the preliminary plat of The Preserve on Antelope Creek to be extended to Lucille Drive. However, I believe that extension should be included as a condition of approval for this preliminary plat.

If you have any further questions concerning this matter, please contact me.

ERP/ce



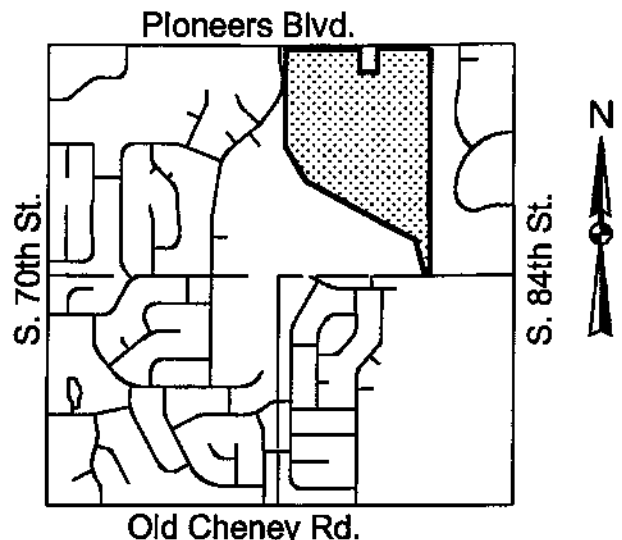
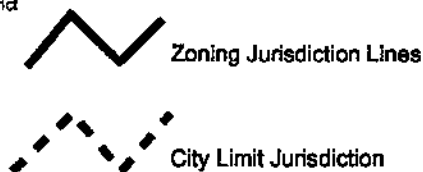


Preliminary Plat #99027 80th & Pioneers Blvd.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 10 T9N R7E



Sheet 1 of 11 032
Date: Dec 5, 2000
Lincoln City - Lancaster County Planning Dept.



Preliminary Plat #99027
80th & Pioneers Blvd.



Sheet 2 of 11

Date: Dec. 5, 2000

Photograph Date: 1999

033

Lincoln City - Lancaster County Planning Dept.

Figure 1

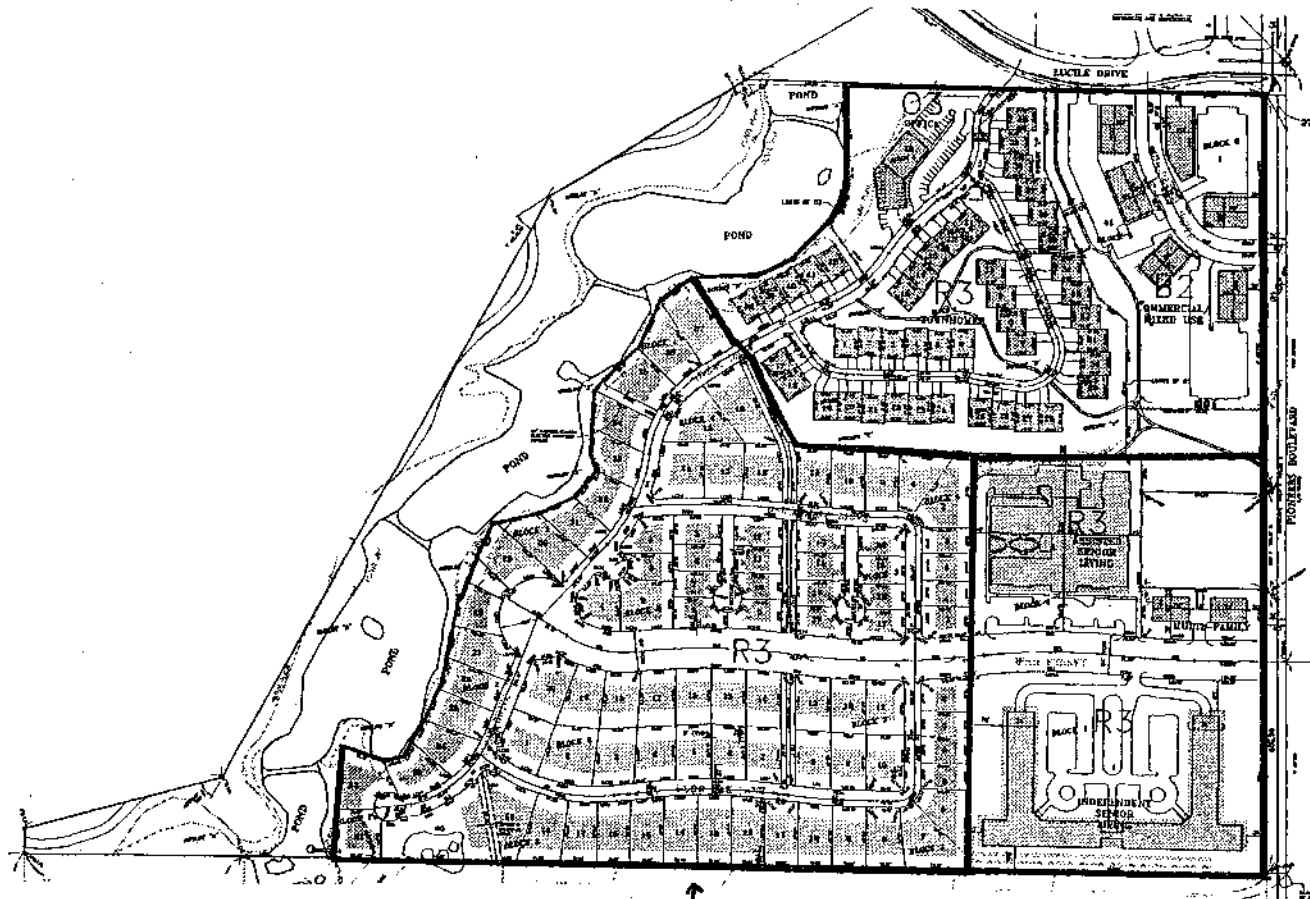
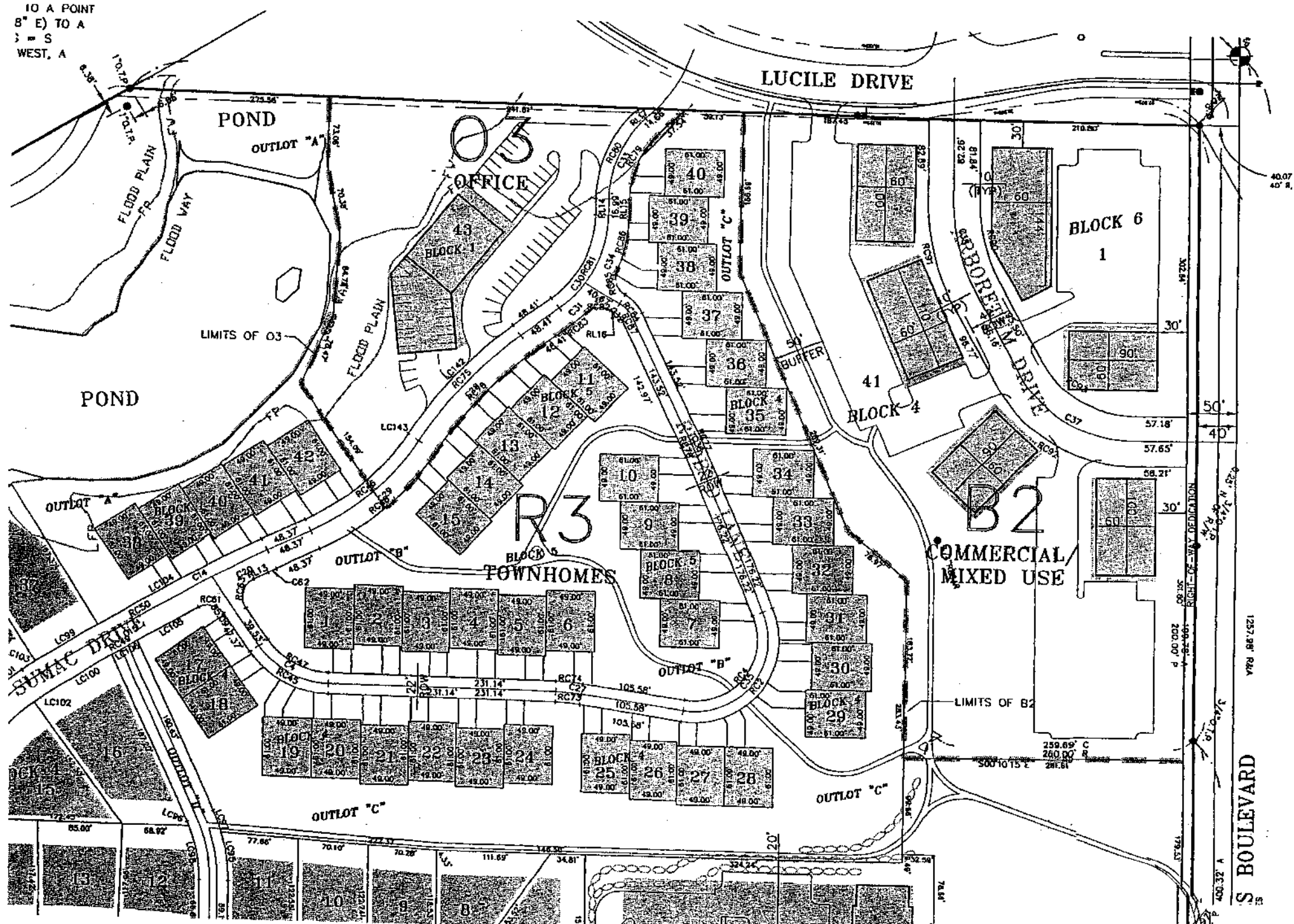


Figure 2

Figure 3 & Figure 4



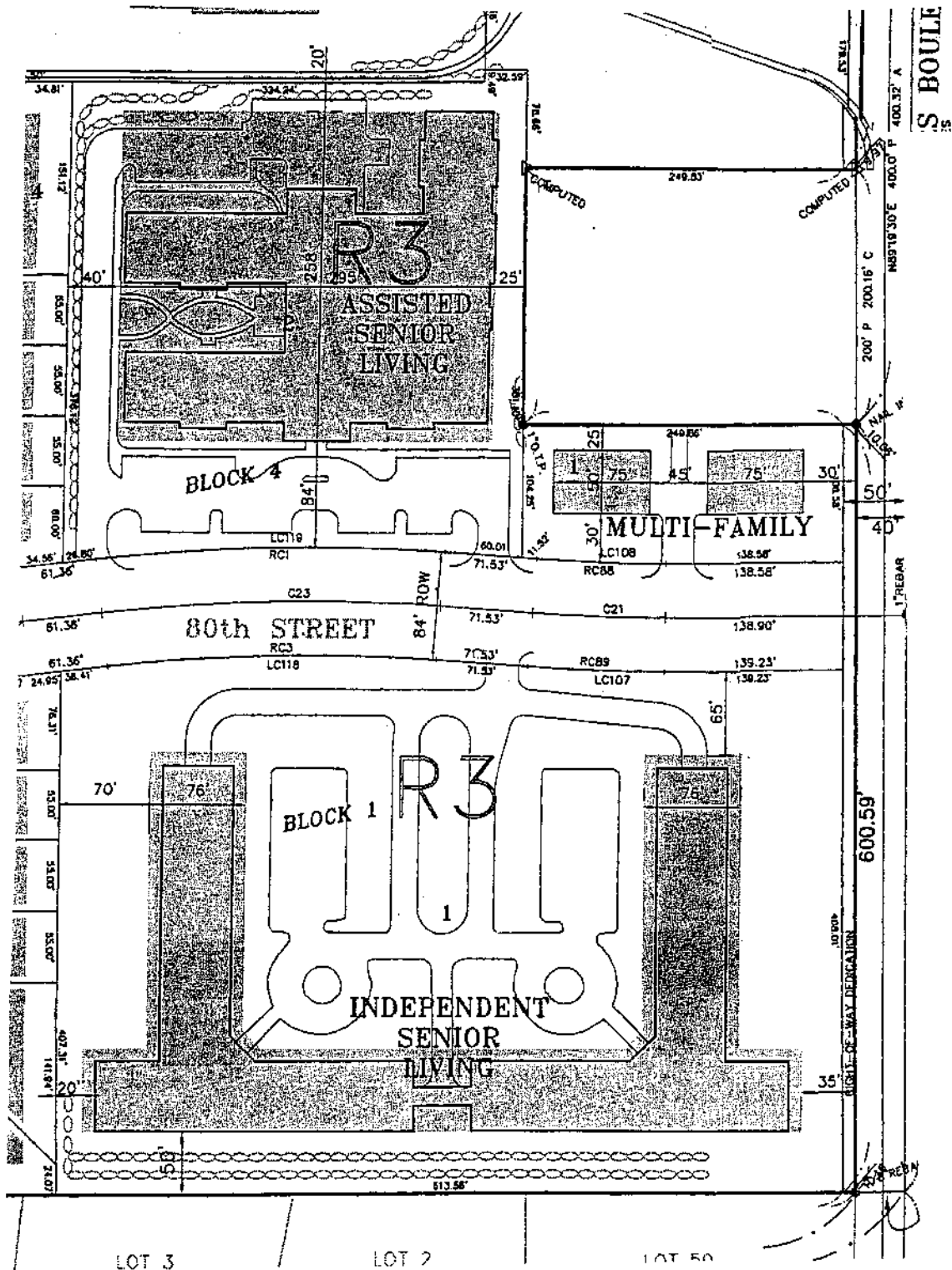


Figure 2

Retirement Housing

The Preserve on Antelope Creek
PP#99027

Sheet 9 of 11

Dec. 5, 2000

036

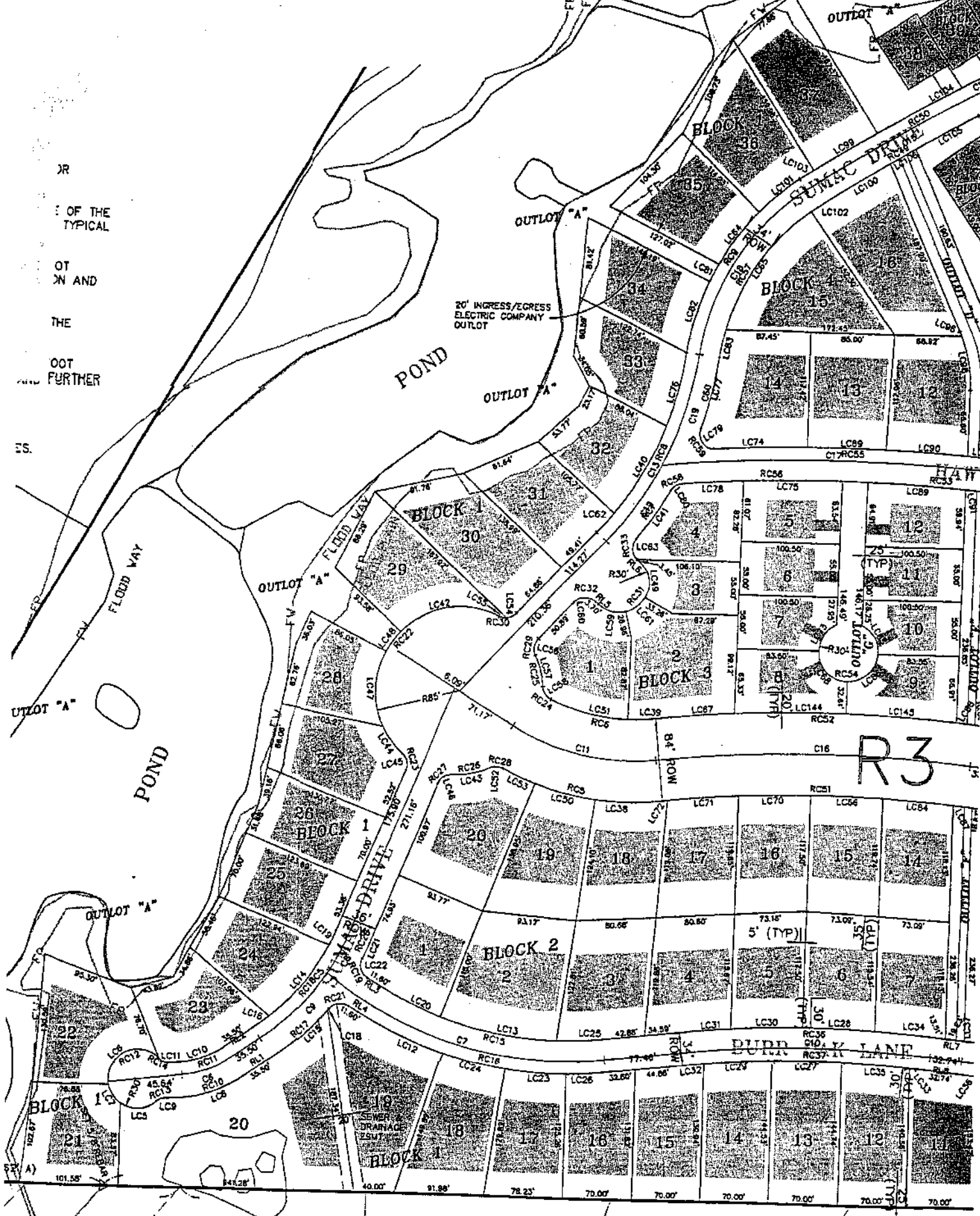


Figure 3

Single Family Dwellings (1 of 2)

The Preserve on Antelope Creek
 PP#99027
 Sheet 10 of 11 Dec. 5, 2000

037

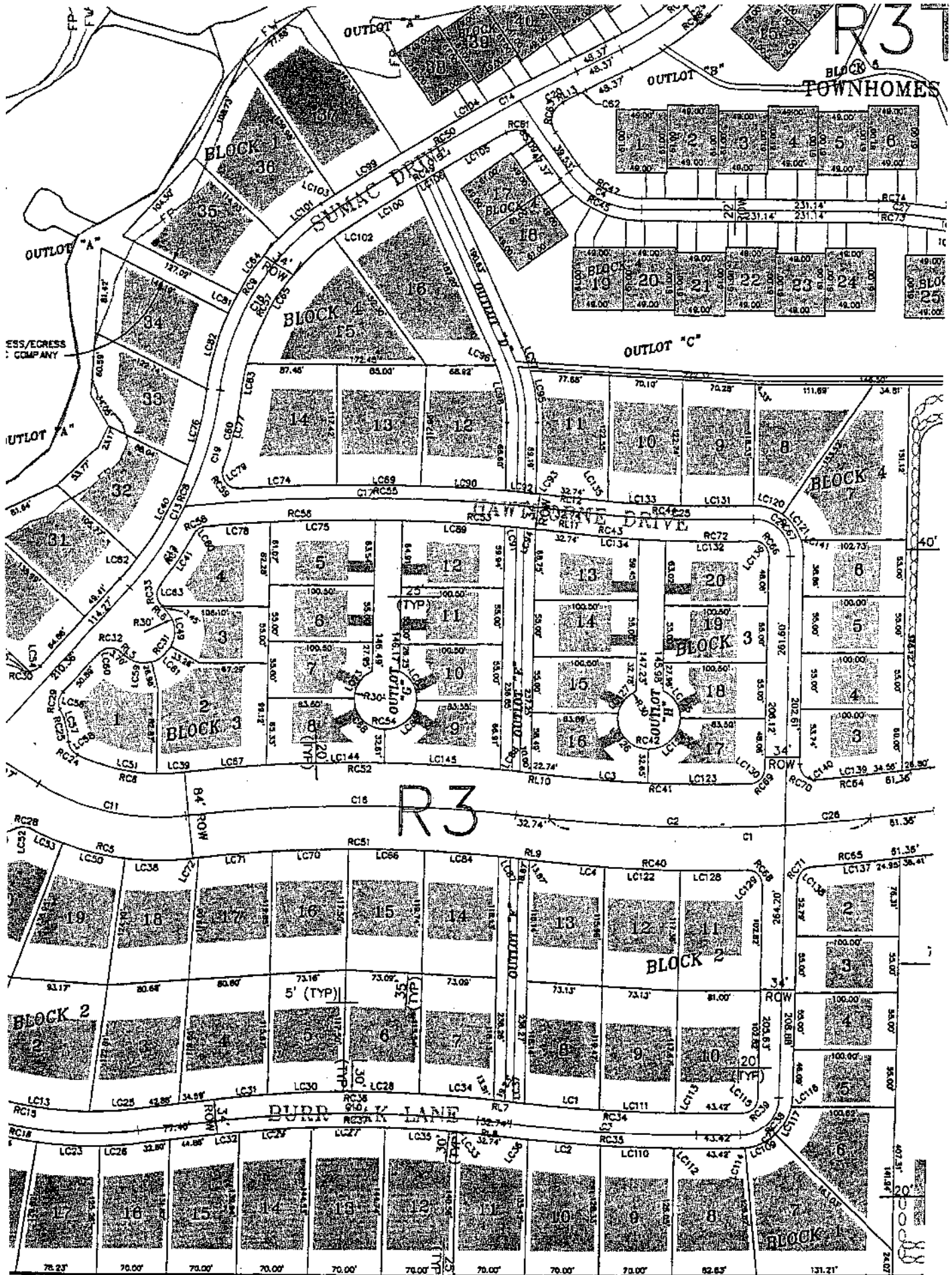


Figure 4

Single Family Dwellings (2 of 2)

The Preserve on Antelope Creek
 PP#99027
 Sheet 11 of 11 Dec. 5, 2000

LEGAL DESCRIPTION:

PRELIMINARY PLAT #00027
THE PRESERVE ON ANTELOPE CREEK

LOTS 51, 55, 56, 57 IRREGULAR TRACT LOCATED IN THE NORTHEAST QUARTER OF
SECTION 10, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6th P.M., LANCASTER
COUNTY, NEBRASKA



ESSEX CORPORATION

11606 NICHOLAS STREET
SUITE 100, OMAHA, NE 68154

402-431-0500
FAX - 431-0345

October 30, 2000

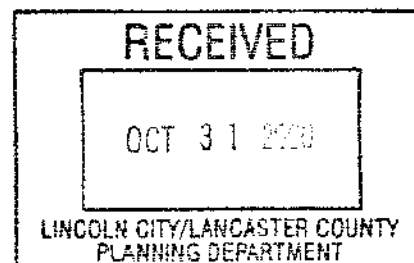
Mr. Ray Hill
555 South 10th Street
Lincoln, Nebraska 68508

Dear Mr. Hill:

Landscapes Unlimited and Essex Corporation are pleased to submit the enclosed application for The Preserve on Antelope Creek, South and East of Lucile Drive and Pioneers Boulevard in southeast Lincoln. We believe that our project has unique and innovative features that create an excellent environment for living, working, and shopping. It is designed to provide the mixing of uses, the high level of quality public space, continuous greenway and pedestrian networks, and street linkages, while providing an environment that can be successfully marketed and developed in our setting.

The attached application includes the following components:

- A preliminary plat application. The plat application also includes requests for specific minor waivers of the city's Land Subdivision Ordinance and setbacks, primarily on street segments that function as low volume automobile courts.
- A Petition to Rezone portions of the site to the B-2 and O-3 zoning districts from the current R-3 district. Most of the site will retain its current R-3 zoning.
- A special permit application for designation of the site as a Community Unit Plan (CUP) and for development of retirement housing (including both independent and assisted living units) in an R-3 district.
- A use permit application for residential development in a B-2 zoning district, permitting development of "main street" configuration commercial buildings with upper-level apartments and lofts.
- Preliminary Plat Technical Checklist



Mr. Ray Hill
Page 2
October 30, 2000

Also attached to this letter as supplemental or required information:

- Landscapes Unlimited and Essex Corporation have met with neighbors north of Pioneers Boulevard and east of the subject property. The purpose was to explain the plat and character that we are working to achieve. The plat has subsequently been modified and mutually agreed upon to address the questions from those residents to the east of the property. There were no modifications required from the residents north of Pioneers Boulevard. (See attached letter.)
- Ownership Certificate
- Photographs of representative elements and buildings to give the reviewers the character of the proposed development.
- Two copies of the Traffic Study.
- Two copies of the Drainage Report.
- Two copies of aerial soil maps and soil legend.
- Two copies of floodway map.

Unattached are the required number of drawings for:

- Site Plan, Zoning and Boundary Survey
- Grading and Drainage
- Public Improvements and Easements
- Landscape
- Building Sections and Street Profiles
- Pre and Post Development Drainage

We believe that the project design provides innovation without revolution, and have sought to develop a project that is both different and familiar. This approach reduces the number of waivers and unusual arrangements that have to be made to gain approval. We have appreciated your assistance throughout the planning stage and look forward to working closely with you in the future.

Sincerely yours,

ESSEX CORPORATION



Kent B. Braasch
Executive Vice President

Enclosures

ATTACHMENT "A"

Request for Variance

The proposed project incorporates a private street system that is nevertheless continuously connected and avoids the use of long cul-de-sacs. This connected-ness helps satisfy the basic objectives of the city's subdivision standards for streets, although the project requires some variances of those standards to maintain the objectives of traffic calming and pedestrian primacy that are critical to the form of the development. This section summarizes the variances from the Land Subdivision Ordinance required by the proposed plat.

INTERSECTION ANGLES

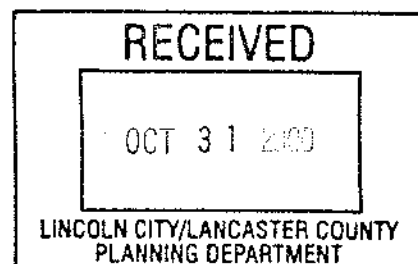
The Land Subdivision Ordinance requires a minimum intersection angle of 80 degrees for private streets.

Virtually all intersections in the development comply with this standard. A minor variance is requested for the traffic turn around at the intersection of 80th Street and Sumac and at the intersection of Hawthorn and Sumac. Both locations are located at the South end of the development and affect a small number of lots. The designs approach 80-degree intersections and maintain good visibility in very low traffic situations.

REQUIRED FRONT YARD SETBACK

The required front yard setback in a B-2 zone is 50'.

We propose a 30' setback in the commercial area fronting on Pioneers Boulevard and just East of Lucile Drive. The 30' setback requested is greater than the 20' setback approved for the office property West of Lucile Drive. The commercial buildings in this area are restricted to two stories, which would be less than the 40' allowable height. The corner will not be impacted as the closest building South of the intersection is 175' while the closest building to the East of the intersection is 280'. A landscaped berm will be provided by the Owner along the northern and western property line of this commercial area.

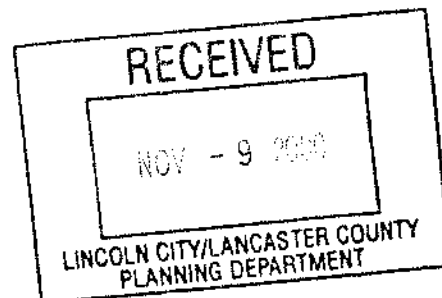


AMENDMENT TO ATTACHMENT "A"**Request for Variance****DOUBLE FRONTAGE LOT**

There will be no lots with double frontage; i.e. a lot fronting on two non-intersecting public streets.

We are requesting a variance from the above requirement for one lot, Lot 2, Block 3. This lot fronts on 80th Street and Sumac Drive.

We are requesting variance because access to this Lot will be controlled by Covenants and only be granted to the cul-de-sac off Sumac Drive.



SECOND AMENDMENT TO ATTACHMENT "A"**Request for Variance****SANITARY SEWER**

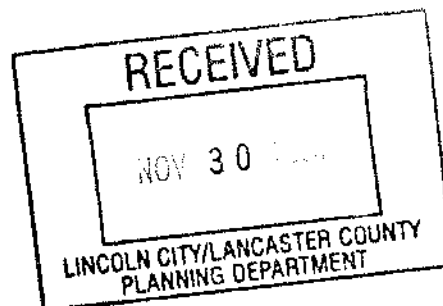
The sewer mains are shown in the center of the street. The design standards require mains to be 3 ½' behind the curb on the south and west sides of the street.

We are requesting a variance from this requirement to save trees on site. The site is heavily treed, the intent is to conserve as many trees as possible. Since trees will have to be relocated from the streets we would like to take that opportunity to place the sewer in streets and not have to destroy trees that might be in the right of way.

STREET SYSTEM - HORIZONTAL RADIUS

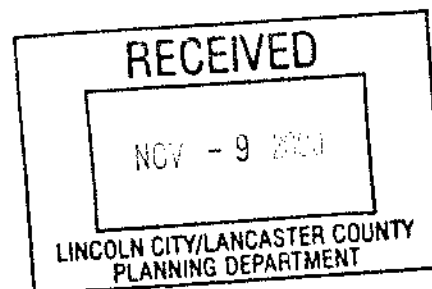
The design standards require a 125' horizontal radius with a tangent between curves.

We are requesting a variance from this requirement. The horizontal radius on Burr Oak Lane, Hawthorne Drive and Redbud Lane are less than the design criteria to help slow traffic down in these primarily residential areas. A more sweeping curve allows traffic to travel at higher speeds since they do not have to slow for curves.

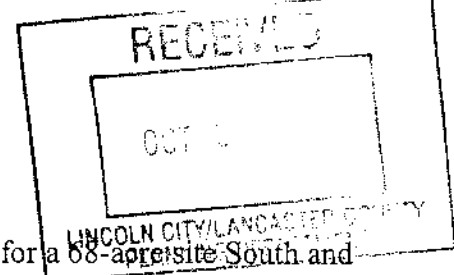


SPECIAL NOTES TO THE SITE PLAN

1. The maximum height of the buildings in the R-3 District as proposed is 35' with one exception. The Independent Living building located in the Northeast corner of the property will have a maximum height of 45'. The maximum height adjustment is permitted in the Special Use section. The additional height will have no adverse effects on any adjacent building. Meetings with the residential neighbors to the east have been held to explain the height of the building. Additional trees and earth berms have been proposed and agreed upon by the neighbors to screen the building.
2. The setbacks for all lots up to 125' in length in Blocks 1, 3 and 4 shall be 25'. For lots in excess of 125' in length the setbacks shall be the smaller of 20% of the lot length or 30'. The setbacks for all lots in Block 2 shall be 35'.
3. Residential and/or office lofts are planned for the second floor of the office buildings located in the B-2 District, Blocks 4 and 6. The maximum number of residential lofts planned is 35. There would be 6 units on the second floor of each building except there would be 5 units in the shortest building in Block 4 and 7 units in the larger building in Block 6.
4. All road sections within the development are minimum width 26'. The roadway width in the townhome area has mistakenly been dimensioned as 22'.



ATTACHMENT "B"



The Community Unit Plan proposes a mixed-use community for a 68-acre site South and East of Lucile Drive and Pioneers Boulevard in Southeast Lincoln. This unusual site slopes to the southwest from Pioneers Boulevard to a series of impoundment ponds developed along Antelope Creek. The project is designed to create a new kind of community, with its uses and development types linked to one another and to the features of its site. The development has been designed so that minimal grading will be done to maximize the existing beauty of this heavily treed site. An extensive effort is planned by the Owner to relocate trees and minimize tree loss. It is anticipated that the typical resident of this unique development will be in the 50+ age group. The overall site development has been designed with the pedestrian in mind. An extensive network of paths, water features, the unique "main street" setting of the commercial area and existing ponds will provide for a new living experience for residents of this subdivision. Uses included in the proposed CUP include:

- An independent living development for seniors proposed for the northeast corner of the site along Pioneers Boulevard. Access to this development is provided by a boulevard extending south from Pioneers Boulevard at 80th Street. This structure will be a three-story structure, residential in design with a brick and lap-siding exterior. Underground parking will be provided for the building's residents.
- An assisted living development for seniors also located in the northern part of the site and served by the 80th Street boulevard. This structure will be residential in nature with brick and lap-siding exterior.
- A moderate density single-family component, providing lots with a minimum lot size of 5,000 square feet. These lots are served by an innovative private street system that provides privacy and good public space, while avoiding long cul-de-sacs. In some cases, units are clustered around residential circles, which permit units to have frontage along the boulevard with rear automobile access.
- A conventional density single-family component developed along a private street that runs parallel to the pond system. This area includes many lots, which border the Antelope Creek ponds and back up to the residential area to the East and the townhouse development to the West. A unique feature of this part of the project is a traffic circle with a prominent water feature at the intersection of 80th Street and Sumac and running parallel to the ponds.
- A townhouse development served by a large local loop. The townhouses are incorporated into the site's overall green space network, with paths connecting common spaces and the ponds.
- An office site in the southwestern part of the site, with a scenic view into the ponds.
- A mixed-use development, incorporating retail, office, and residential development in two-story urban buildings. This area, at the Lucile Drive and Pioneers Boulevard intersection, establishes a "main street" setting, and may also incorporate a nursery.

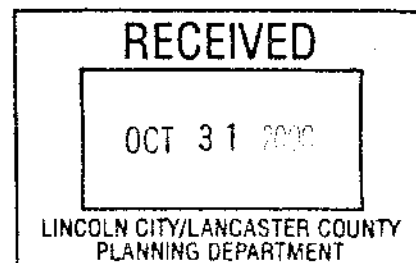
ATTACHMENT "C"

Development of B-2 Area

Development for the site proposes a mixed-use development designed in a "main street," pedestrian oriented, multi-building project. Buildings are generally planned as two-story structures, with commercial and office space on the street level and office and residential uses on the upper level. The development also may include the present Nebraska Nursery in a new facility. South and East of the nursery existing tree stock will be incorporated to maintain the current nursery theme. The overall development will be linked by a pedestrian system to the rest of the subdivision. (See attached photos)

General design standards describing development in the B-2 area include the following:

- All street level space shall be used for uses permitted by right in the B-2 district. Upper level space may be used interchangeably for residential or office uses.
- Buildings shall be oriented to a central commercial street, which will have full access to Lucile Drive and at least right in-right out access to Pioneers Boulevard. This street shall be designed as an urban commercial street, providing parallel curbside parking. No other parking shall separate building frontages and entrances from the street and its sidewalks. Off-street parking lots shall be sited behind the commercial buildings and shall not have direct frontage to the commercial street. Landscaped berms shall buffer the parking areas from Pioneers Boulevard.
- The office structures are set back from the street, which will provide for pedestrian areas such as benches, tables and sculpture. The commercial street shall include parallel sidewalks on both sides, which may include street landscaping, furnishings, and lighting in the style of a traditional neighborhood business district street. The sidewalks shall be integrated into the overall pedestrian network of the proposed development.



LETTER OF UNDERSTANDING

Through on-site meetings and discussions, we, the adjacent Residents, have reviewed the modified preliminary plat for its uses and layout for The Preserve on Antelope Creek and approve of same subject to the following:

1. The Owner/Developer has redesigned the preliminary plat to provide for larger single family lots in lieu of smaller single family lots adjacent to our property. (See Exhibit A)
2. Trees will be added on our property as a landscape buffer to the new residential development. Tree species will be of our choice from available trees on the Owner/Developers site. The trees will be relocated by Owner/Developer at no cost to us. (See Exhibit A)

All improvements stated above will be made to preserve the Resident's existing landscape to the greatest extent possible.

Parties to this letter agree to the above stated conditions on October 25, 2000.

Rich & Marcia Waller
Resident of 4535 Pagoda Lane

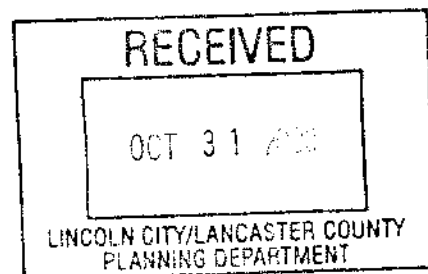
Kent D. Brunsen
Nebraska Nurseries, Inc., Owner/Developer
Preserve on Antelope Creek

Rex & Linda Linsley
Resident of 4545 Pagoda Lane

Rick & Wanda Stauffer
Resident of 4701 Mandarin Circle

Jeff & Deanne Bohannon
Resident of 4721 Mandarin Circle

Roger & Rosanna Schweiner
Resident of 4801 Mandarin Circle



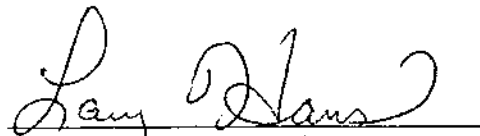
LETTER OF UNDERSTANDING

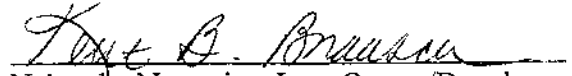
Through on-site meetings and discussions, we, the adjacent Residents, have reviewed the modified preliminary plat for its uses and layout for The Preserve on Antelope Creek and approve of same subject to the following:

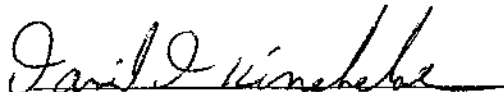
1. Trees will be added on our property as a landscape buffer to the new independent senior living area. Tree species will be of our choice from available trees on the Owner/Developers site. The trees will be relocated by Owner/Developer at no cost to us. (See Exhibit A)
2. A berm of 4' minimum height will be constructed to extend continuously along our west property line. The berm will be constructed so that one half will be on each side of the property line and landscaped at no cost to us. (See Exhibit A)

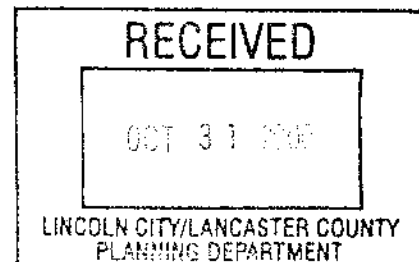
All improvements stated above will be made to preserve the Resident's existing landscape to the greatest extent possible.

Parties to this letter agree to the above stated conditions on October 25, 2000.


Resident of 4421 Pagoda Lane


Nebraska Nurseries, Inc., Owner/Developer
Preserve on Antelope Creek


Resident of 4441 Pagoda Lane



Ray F Hill

11/02/00 07:09 AM

To: <droth@ci.lincoln.ne.us>

cc: <rhill@ci.lincoln.ne.us>

Subject: Re: Preserve on Antelope Creek Pr

Prefect. Thanks

<droth@ci.lincoln.ne.us>



<droth@ci.lincoln.ne.us>

To: <rhill@ci.lincoln.ne.us>

cc:

11/02/00 12:10 AM

Subject: Preserve on Antelope Creek Pr

>Message ID: X0307001008 was Forwarded by POSTMASTER@PRODLANC

>Original sender: DROTH @US

>

This is a multi-part message in MIME format.

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Content-Transfer-Encoding: 7bit

PROJECT NAME: The Preserve on Antelope Creek

PROJECT NUMBER: PP #99027 *resubmittal*

PROJECT DATED: 11/01/00

PROJECT PLANNER: Ray Hill

Redbud La

Similarity in names appears to be in conflict with a street already named Redbird La. located in the Ridge Park Add., Denton township, section 2, at SW 27th and W Van Dorn. Block ranges 7000-7100.

Burr Oak La

May be in conflict with a street already named W Burr Oaks La. located in Burr Oak Add., Yankee Hill township, section 21, at SW 12th between W Denton and W Rokeby Roads. Block ranges 1200-1700. Comparing the physical location of these 2 streets more than anything else.

This is the type of information that I can supply from our Computer Aided Dispatch (C.A.D.) system. Too much? Just right? Too little?

-denny

-----CA748E77B692E2E7A8AD014F

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Content-Transfer-Encoding: 7bit

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Content-Disposition: attachment;

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begin:vcard

n:Roth;Dennis

tel;fax:(402) 476-0528

tel;work:(402) 441-6000

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org:City of Lincoln;Emergency 9-1-1 Communications Center
adr;;;575 South 10th St, Rm 046;Lincoln, Lancaster County, ;NE;68508;USA
version:2.1
email;internet:DRoth@ci.lincoln.ne.us
title:ESD II, CAD Administration
fn:Dennis L. Roth
end:vcard

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**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Ray Hill

DATE: 11/9/2000

DEPARTMENT: Planning

FROM: Chris Schroeder

ATTENTION:

DEPARTMENT: Health

CARBONS TO: Leon F. Vinci, MPH
EH File
EH Administration

SUBJECT: The Preserve
PP #99027

Thank you for the opportunity to provide input on this plan review process.

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application and has not found any serious potential negative environmental health impacts.

The LLCHD commends the applicant's stated objective of, "An extensive effort is planned by the owner to relocate trees and minimize tree loss". In addition, the LLCHD endorses the mixed-use concept to help minimize vehicle miles traveled and therefore, reduce air pollution.

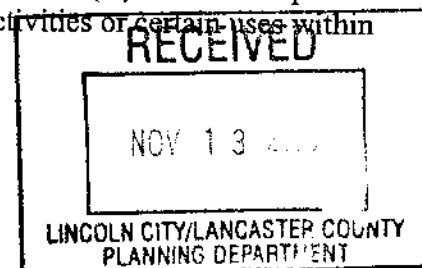
However, the applicant does state the possibility of incorporating a nursery into the mixed-use development. Due to the proximity of R-3 zoning, the LLCHD does have concerns regarding the storage and/or use of hazardous chemicals in such a facility.

With respect to the flood plain, LLCHD encourages the applicant/developer to ensure that building footprints are not within the flood plain. Given the proximity of the flood plain to the proposed development, LLCHD has some concern over future developments in the watershed possibly changing the flood plain boundary.

During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of vegetable ground cover will also be incorporated as necessary.

Finally, the applicant is encouraged to review the City of Lincoln, Noise Control Ordinance Chapter 8.24 L.M.C. Specifically, measured at the property line for residential zoning, noise pollution cannot exceed 65 dB(A) from 7:00 am to 10:00 pm and 55 dB(A) from 10:00 pm to 7:00 am. This statement is made because of the possibility for activities or certain uses within the business zone to impact residential zoning.

If you have any questions, please contact me at 441-6272.



interoffice
M E M O R A N D U M

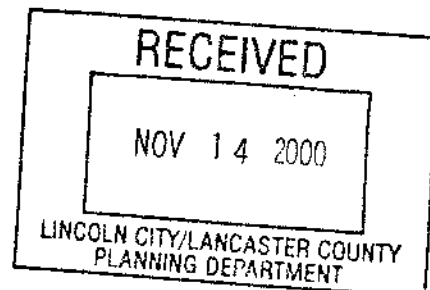
to: Ray Hill, Planning
from: Rachel Martin, Parks and Recreation
subject: The Preserve on Antelope Creek
date: November 14, 2000

Parks and Recreation Department staff have reviewed the above referenced proposal and have the following comments.

- 1) Outlot areas, cul-de-sac, and boulevard planting areas are to be maintained by the developer or future homeowners association.
- 2) Future residents will have access to recreation facilities and open space in Phares Park located immediately south of the proposed development.
- 3) Please provide a community recreation plan depicting appropriate outdoor recreation facilities for independent senior living area and townhome area.
- 4) It is suggested that street trees used come from the Approved Street Tree List. However, it is not required for the private roadways

Please phone me at 441-7936 with any questions or comments.

Rachel



City of Lincoln, Nebraska

IMPORTANT

All revisions to plans must include Building Permit # and Job Address.

Return this report with two sets of corrected plans. The corrections noted below are required to be made to the plans prior to issuance of a permit. Please indicate under each item where the correction is made by plan sheet number or plan detail number.

A separate set of plans for review and final approval must be submitted by the licensed installing contractor/s if fire suppression systems, sprinklers, dry powder, fire alarm systems or underground tanks are installed.

Plan Review Comments

Permit # **DRF00015**

Address

Job Description: Development Review - Fire

Location: THE PRESERVE ON ANTELO

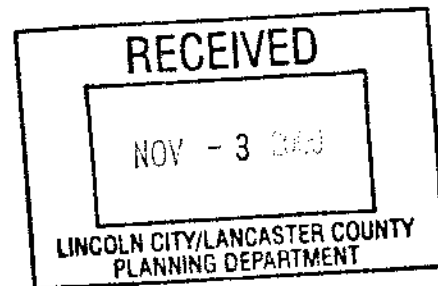
Special Permit: N

Preliminary Plat: Y 99027

Use Permit: N

CUP/PUD: N

Requested By: RAY HILL



Status of Review: Approved

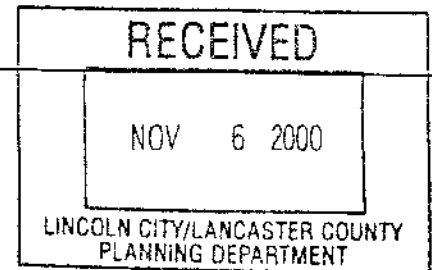
Reviewer: FIRE PREVENTION/LIFE SAFETY CODE

BOB FIEDLER

Comments:

Current Codes in Use Relating to Construction Development in the City of Lincoln:

- 1997 Uniform Building Code and Local Amendments
- 1994 Nebraska Accessibility Guidelines (Patterned after and similar to ADA guidelines)
- 1989 Fair Housing Act As Amended Effective March 12, 1989
- 1979 Zoning Ordinance of the City of Lincoln as Amended including 1994 Parking Lot Lighting Standards
- 1992 Lincoln Plumbing Code (The Lincoln Plumbing Code contains basically the 1990 National Standard Plumbing Code and local community Amendments.)
- 1999 National Electrical Code and Local Amendments
- 1997 Uniform Mechanical Code and Local Amendments
- 1994 Lincoln Gas Code
- 1994 NFPA 101 Life Safety Code
- 1997 Uniform Fire Code and Local Amendments
- Applicable NFPA National Fire Code Standards



November 3, 2000

Ray Hill
City-County Planning Department
555 So 10 St
Lincoln NE 68508-3992

SUBJECT: The Preserve or Antelope Creek

Ray,

I have reviewed the above-mentioned request.

I find no concerns on behalf of the United States Postal Service and would agree with this proposal as submitted.

Please feel free to call me with any questions.

Thankyou,

A handwritten signature in black ink, appearing to read "Ronald G. White".

Ronald G. White
Supv. Customer Service Support



INTER-DEPARTMENT COMMUNICATION

TO Ray Hill, City Planning
SUBJECT DEDICATED EASEMENTS
DN #46S-79E

DATE November 13, 2000
FROM Sharon Theobald
(Ext. 7640)

Attached is the Preliminary Plat for The Preserve on Antelope Creek.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with blanket utility easements over the Blocks and Outlots, as noted. Also, please include "utility" in the sewer and drainage easements.

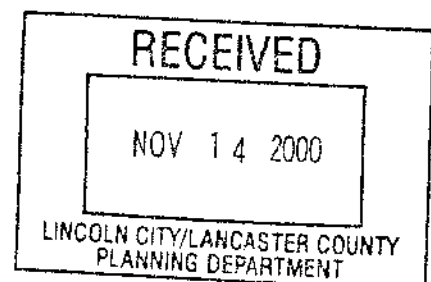
It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

We have shown the location of an existing 70' electrical transmission line easement.

Please add, as a stipulation, the following:

Any construction or grade changes in LES transmission line easement corridors are subject to LES approval and must be in accordance with LES design and safety standards.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

OFFICEFO/DEDEAS.Fm

Memorandum

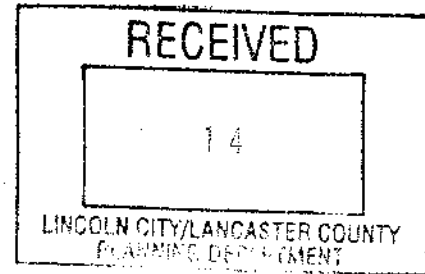
To: Ray Hill, Planning Department

From: *Dennis Bartels*, Public Works & Utilities

Subject: The Preserve on Antelope Creek Preliminary Plat

Date: November 14, 2000

cc: Allan Abbott, Roger Figard, Lynn Johnson, John Huff



Public Works has reviewed The Preserve on Antelope Creek Preliminary Plat located south of Pioneers Boulevard east of Lucille Drive and has the following comments:

1. Water - The design standards require water mains on the north and east sides of roadways. Many of the mains are shown on the south and west sides. Easements meeting design standards are not shown on the plans. The easement must include the width of the roadway being paralleled and a minimum of 15' beyond the main on the side of the main opposite the roadway. The main along Arboretum Drive must be 8" diameter since it serves commercial buildings. The mains in the cul-de-sacs must be built farther around the cul-de-sacs to provide a tappable main abutting each property.

2. Sanitary Sewer - Easements per design standards are not shown for the sanitary sewer. The 10' easement shown for the existing Antelope Creek trunk sewer is not sufficient.

The sewer mains are shown in the center of the street. Design standards require the mains to be 3½' behind the curb of the street on the south and west sides of the street. No exception to design standards has been requested.

3. Street System - The proposed street system does not meet design standards in regard to the horizontal curves shown. Design standards require a 125' horizontal radius with a tangent between curves. Numerous locations do not meet these requirements.

The grade of 80th Street approaching Pioneers Boulevard does not meet design standards for a 2% platform.

The median of 80th approaching Pioneers does not provide lane alignment with 80th north of Pioneers for potential traffic crossing pioneers. The plan needs to be revised to show the existing paving across Pioneers and a safe alignment for the intersection. A minimum of a 50' depth right-of-way is required for 80th south of Pioneers. A water feature as shown on Sheet 4 is not acceptable in this stub right-of-way.

4. Drainage and Grading - No drainage study meeting design standards has been submitted. The design standards referenced in the submittal are the previous standards. The submittal

does not meet current or past design standards. The information required to size the pipes has not been shown.

No detention has been provided and no waiver requested for the increased runoff to Pioneers Boulevard.

5. Traffic - Public Works has previously requested that all access to Pioneers be eliminated except at Lucille Drive and at 80th Street. The plan shows a driveway for Arboretum Drive east of Lucille. If this street location is approved over Public Works objections, a right turn lane should be constructed for this driveway. Pioneers Boulevard is approved to be built without medians. The traffic study shows only right turn in and out access. If this location is approved, the plan needs to be revised to assure only right turn traffic in and out of this driveway. This driveway location does not meet design standard separation requirements between it and 78th Street on the north side of Pioneers.
6. The information shown on the preliminary plat relating to the public water main system, public sanitary sewer system and public storm sewer system has been reviewed to determine if the sizing and general method of providing service is satisfactory. Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant locations, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and the method of connecting storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

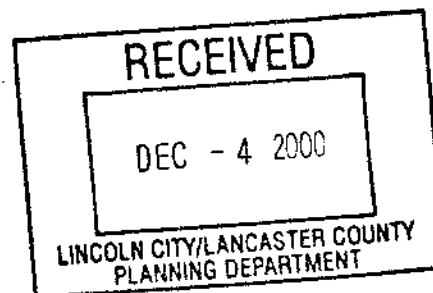
M e m o r a n d u m

[REDACTED]

To: Kay Liang, Planning Department
From: Dennis Bartels, Public Works & Utilities
Subject: Variances for The Preserve on Antelope Creek Preliminary Plat
Date: December 4, 2000
cc: Allan Abbott, Roger Figard

Public Works has reviewed the proposed variances to design standards for the subject plat and has the following comments:

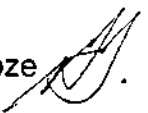
1. Sanitary Sewer - Public Works agrees to the variance to place the sanitary sewer beneath the pavement to save trees.
2. The proposed centerline curve variances in Burr Oak Lane, Hawthorne Drive, and Redbud Lane are satisfactory to Public Works.



jaj VariancesPresAntCrk ddb

MEMORANDUM

TO: Ching-Yun Liang

FROM: Nicole Fleck-Tooze 

RE: The Preserve on Antelope Creek
Preliminary Plat #99027

DATE: November 15, 2000

1. The "Preliminary Drainage Analysis Report" submitted for this project indicates that *"the elevation of the 100 year flood has been lowered to limits shown on the Drainage Basin Map"* and that an *"application for officially changing the 100-year flood elevation is currently pending."* A Letter of Map Revision (LOMR) to the FEMA floodplain maps was approved for this site in 1998. The 100-year floodplain limits shown on all plans should reflect the approved LOMR and corresponding 100-year flood elevations. If it is proposed that these elevations are now lower or less restrictive than that which was approved with the 1998 LOMR, a new LOMR must be approved by FEMA before receiving building permits based upon a lower flood elevation.
2. No plan has been submitted labeled the "Drainage Basin Map." It is not clear if the 100-year flood limits shown on the Site Plan, Pre- and Post-Development Drainage Plans, and the Grading and Drainage Plan is equal to the 100-year floodplain approved with the 1998 LOMR or whether a revised 100-year floodplain is being shown based upon the lower 100-year flood elevations as described in the "Preliminary Drainage Analysis Report."
3. The building envelopes identified on the Site Plan are shown to be outside the limits of the 100-year floodplain. However, these envelopes need to be dimensioned so that their exact boundaries can be measured.
4. The 100-year flood elevations identified in the table "Minimum Buildable Area Elevations" on the Grading and Drainage Plan do not appear to be consistent with the grades identified with the contours on the same plan. The proposed grades on the grading plan appear to indicate by elevation that the 100-year flood limits would cover a greater portion of some lots than indicated with the floodplain line and would in some cases extend into the building envelopes.
5. The Grading and Drainage Plan indicates that no fill material will be placed within the 100-year floodplain except for that necessary for construction of an access to the LES transmission pole located within the existing pond. Certification is provided that the construction of this access will cause no rise within the floodway.

6. The site plan and all grading and drainage plans should be revised to address the floodplain issues to the satisfaction of the Departments of Building & Safety, Planning, and Public Works & Utilities.
7. A notation on the Grading and Drainage Plan indicates that all elevations are in NAVD 1988. However, the elevations shown with the proposed and existing contours are two and three digits, respectively. This makes it unclear which datum is being used. All elevation notations should be revised to reflect NAVD 1988 and to include all four digits.

X:\FILES\PLANNING\FLOODPL\Nantelope3.wpd

Dale L Stertz

11/15/00 01:23 PM

To: Ray F Hill/Notes@Notes

cc: Chuck A Zimmerman/Notes@Notes, Nicole Tooze/Notes@Notes

Subject: The Preserve of Antelope Creek PP#99027

This Department has the following comments regarding FLOOD PLAIN issues only.

1. Grading and building envelopes next to flood plain area need to be revised to satisfaction of Planning, Public Works, and Building and Safety.

Need Meeting

RECEIVED

NOV 13 2000

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

DATE: 11-9-00

TO: Ray Hill - Planning Department

FROM: Dennis Duckworth - Police Department

REG: The Preserve on Antelope Creek Preliminary Plat #99027

Ray:

The Police Department has no problems with this Preliminary Plat for
The Preserve on Antelope Creek.

Thank you,



Sergeant Dennis Duckworth
Lincoln Police Department
441-7215



Rodger P Harris

11/13/00 01:44 PM

To: Ray F Hill/Notes@Notes
cc: Chuck A Zimmerman/Notes@Notes, Dale L Stertz/Notes@Notes
Subject: Preserve on Antelope Creek, PP99027

I have reviewed the preliminary plat of The Preserve on Antelope Creek and have the following comments to offer:

1. We have no objection to the concept of the dwelling units in block 3 with vehicular access thru Outlots G and H to Hawthorne Drive. Street addresses for these dwelling units would be assigned as Hawthorne Drive addresses.
2. General Note #7 should refer to Block 3, instead of Block 20.
3. General Note #10 should include language at the end of the note to the effect "but not across property lines."
4. The typical setbacks shown are not sufficient to describe the limits where buildings may be constructed.
5. Some lots along Sumac Drive may have marginal building depths because of the street location with respect to the flood plain.

LOWER PLATTE SOUTH
NATURAL RESOURCES DISTRICT



3125 Portia St., Box 83581, Lincoln NE 68501-3581
(402) 476-2729 • FAX (402) 476-6454
www.lpsnrd.org

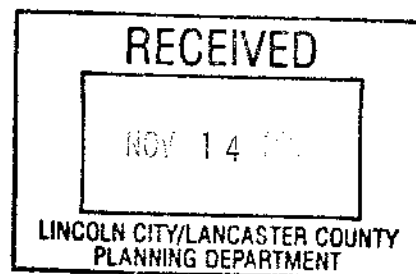
Memorandum

Date: November 14, 2000
To: Ray Hill, City/County Planning
From: Ed Ubben, Projects Coordinator
Subject: The Preserve on Antelope Creek

We have reviewed the plans for the above referenced project and have the following comments.
Erosion protection should be shown at the flared end sections.
The use of grassy swales could be used instead of buried stormsewer pipe in a few locations, Outlot C and between the commercial lots and the townhome lots. Both would run along the trail system.

EU/cu

pc: file





ESSEX CORPORATION

11608 NICHOLAS STREET
SUITE 100, OMAHA, NE 68154

402-431-0500
FAX 431-0345

January 4, 2001

Gerald H. Maddox
Lincoln Federal Savings Bank
1101 "N" Street
Lincoln, Nebraska 68508

CHANGE OF ZONE NO. 3213
SPECIAL PERMIT NO. 1813
USE PERMIT NO. 125
~~PERMITTED BY PLAT NO. 99027~~
THE PRESERVE ON ANTELOPE CREEK

RE: The Preserve on Antelope Creek
Lucile and Pioneers Boulevard

Dear Mr. Maddox:

This letter is intended to identify the agreement between the parties regarding the above referenced property.

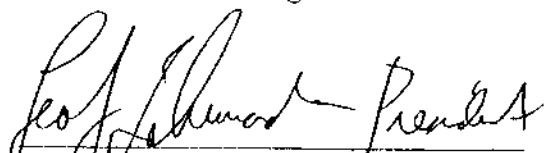
The Permitted Uses of the B-2 Planned Neighborhood Business District on the above referenced property shall be restricted as follows: Attached are pages 27-71 and 27-72, Chapter 27.31, Lincoln Municipal Code, Zoning, December 1998 (Exhibit A). The "Uses" lined through on Exhibit - A are not permitted uses on the subject property. Additionally, those uses generally defined as "fast food" restaurants will also not be permitted. Other restaurants considered to be "sit down" and/or "Deli" shall be permitted.


The parties agree to work together to achieve a solution satisfactory to the signage requirements for Edenton North already located on Outlot-F (Exhibit-B) and the proposed entrance feature to The Preserve on Antelope Creek proposed in the northwest corner of Lot 57.

Nebraska Nurseries shall become responsible for the maintenance but not improvements of Outlots E and F (Exhibit-B) in return for access rights to its property.

The character of the buildings proposed in the B-2 zone proposed by Nebraska Nurseries shall be of the character and quality shown in the attached photos.

Parties to this letter agree to the stated conditions on 01-09, 2001.


Lincoln Federal Savings Bank


Nebraska Nurseries, Owner/Developer
The Preserve on Antelope Creek

Chapter 27.31

B-2 PLANNED NEIGHBORHOOD BUSINESS DISTRICT

Sections:

- 27.31.010 Scope of Regulations.
- 27.31.020 General Purpose.
- 27.31.030 Permitted Uses.
- 27.31.040 Permitted Conditional Uses.
- 27.31.050 Permitted Special Uses.
- 27.31.060 Accessory Uses.
- 27.31.070 Parking Regulations.
- 27.31.080 Sign Regulations.
- 27.31.090 Height and Area Regulations.
- 27.31.100 Use Permits; Procedures and Requirements.

This district is intended to provide a developing area for planned retail uses to serve neighborhoods. This district includes a use permit provision to provide for the integration of the business area with adjacent residential areas and thus reduce the adverse impact on residential areas through enhanced design.

27.31.010 Scope of Regulations.

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the regulations in the B-2 Planned Neighborhood Business District. (Ord. 12571 § 165; May 8, 1979).

27.31.020 General Purpose.

The regulations for the B-2 Planned Neighborhood Business District set forth in this chapter are established to permit the development of local retail shopping facilities and related activities which will provide for planned and controlled consumer services on a neighborhood level, promote healthful economic growth, create a desirable environment, best complement the general land use pattern of the community, and assist in implementing the established goals and policies of the community. (Ord. 12571 § 166; May 8, 1979).

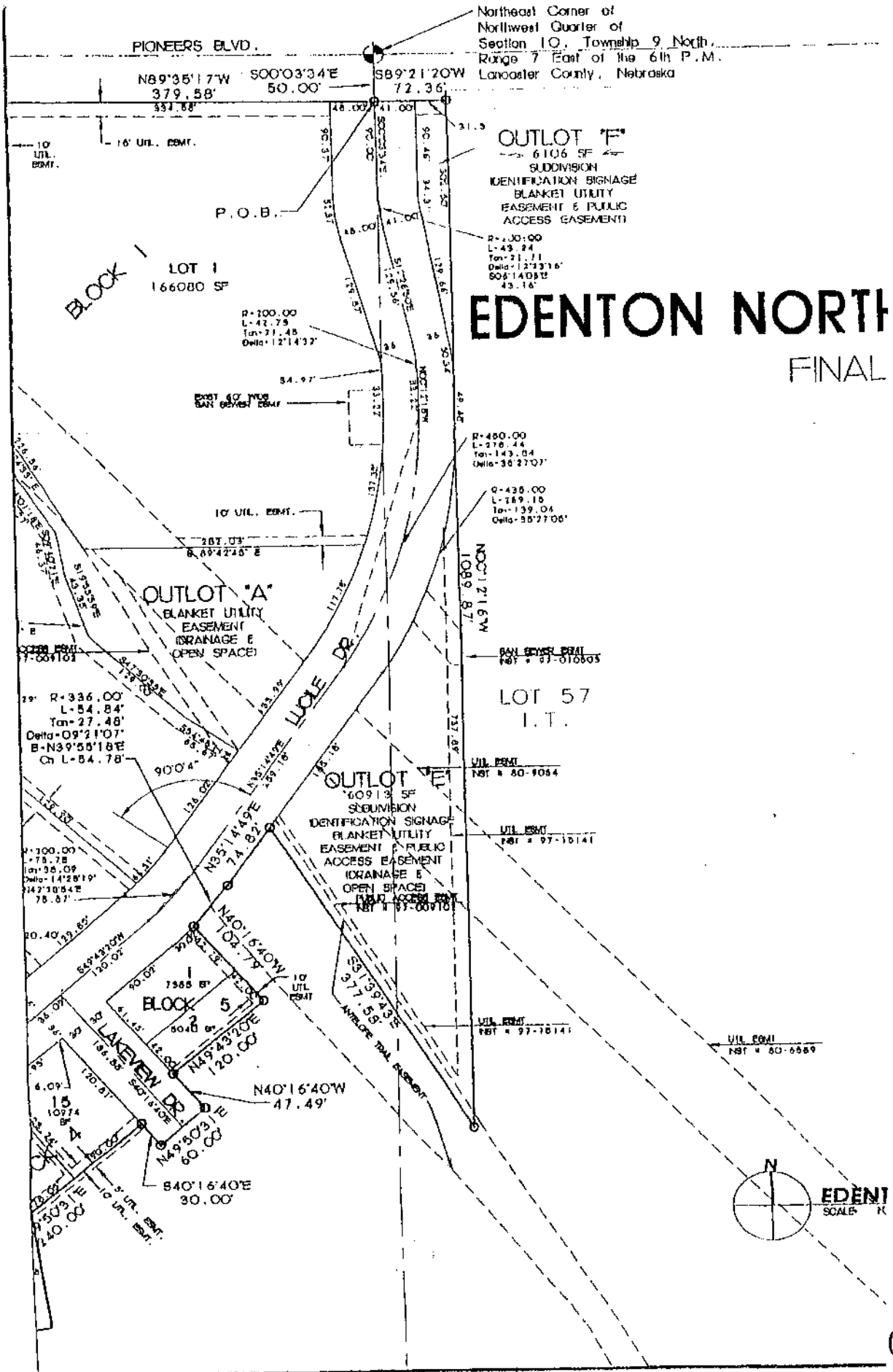
27.31.030 Permitted Uses.

Any development, including building and open land uses, except farming and the sale of farm produce, shall be prohibited in the B-2 Planned Neighborhood Business District prior to the approval of a use permit in conformance with the requirements of this chapter. B-2 Planned Neighborhood Business District zoning shall not be permitted or granted upon any property having a total

area of less than five acres. A building or premises shall be used only for the following purposes in the B-2 Planned Neighborhood Business District:

- (a) Parks, playgrounds, and community buildings, owned or operated by a public agency;
- ~~(b) Public libraries;~~
- ~~(c) Public elementary and high schools, or private schools having a curriculum equivalent to a public elementary or public high school, and having no rooms regularly used for housing or sleeping purposes;~~
- ~~(d) Churches;~~
- (e) Nonprofit religious, educational, and philanthropic institutions;
- (f) Banks, savings and loan associations, credit unions, and finance companies;
- (g) Garden centers;
- (h) Barber shops, beauty parlors, and shoeshine shops;
- ~~(i) Private schools, including but not limited to business or commercial schools, dance or music academies, and nursery schools;~~
- ~~(j) Service stations;~~
- ~~(k) Hospitals and clinics for animals, but not open kennels;~~
- ~~(l) Self-service laundromats;~~
- (m) Receiving stores for dry cleaning or laundry;
- ~~(n) Dry cleaning or laundry establishments, provided that the floor area does not exceed 2,000 square feet exclusive of office and pickup space.~~
- (o) Messenger and telegraph stations;
- (p) Office buildings;
- (q) Restaurants;
- (r) Stores or shops for the sale of goods at retail, but not including motor vehicles;
- ~~(s) Undertaking establishments;~~
- (t) Photography studios;
- (u) Bicycle sales and repair shops;
- (v) Key shops;
- ~~(w) Ambulance services;~~
- (x) Clubs;
- ~~(y) Enclosed commercial recreational facilities;~~
- (z) Sale of alcoholic beverages for consumption on the premises, provided the locational requirements of Section 27.63.680 have been met or waived by the City Council;
- (aa) Sale of alcoholic beverages for consumption off the premises, provided the locational requirements of Section 27.63.685 have been met or waived by the City Council;
- (bb) Tailor shops, shoe repair shops, upholstery shops, printing and photocopying shops, or other, similar business establishments. (Ord. 17320 § 2; April 20, 1998;

EXHIBIT - B



Conceptual Master Plan

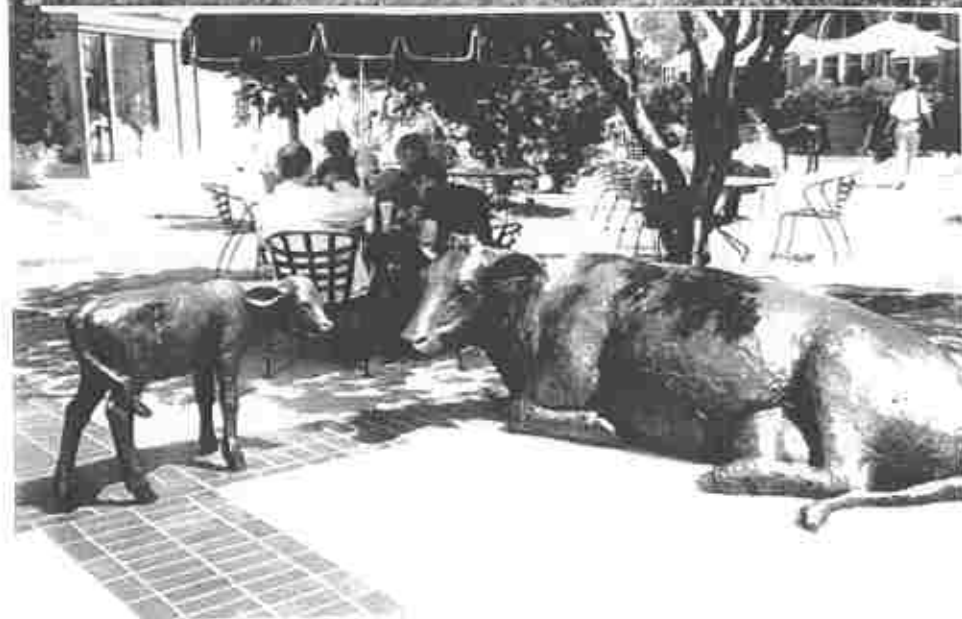


The Preserve On Antelope Creek

Developed By
Landscapes Unlimited / Essex Corporation



COMMON SITE
UNIFYING ELEMENTS



COMMERCIAL
AND OFFICE.



COMMERCIAL
AND OFFICE
LOFTS



NURSERY &
GARDENS

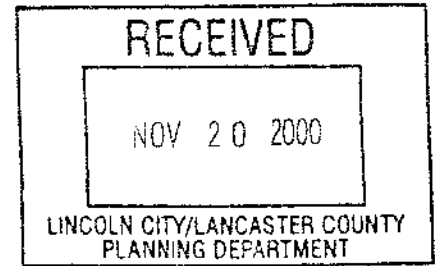




REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE-KEARNEY
1430 CENTRAL AVENUE STREET, SUITE 4
KEARNEY, NEBRASKA 68847-6856

November 17, 2000



City of Lincoln -- Planning Division
Mr. Ray Hill
555 South 10th Street
Lincoln, NE 68508

Dear Mr. Hill:

This letter refers to the proposal submitted by Landscapes Unlimited and Essex Corporation to construct "The Preserve on Antelope Creek". The site is located in the NE ¼ of Section 10, Township 9 North, Range 7 East, Lancaster County, Nebraska.

I need more information in order to make a permit decision.

1. Are all of the ponds existing?
2. Will fill material be placed in any water of the US? If so, where and how much area will be filled?
3. Is there now or will there be a vegetated buffer strip along the ponds/creek channel?
4. How many and what species of trees will be removed? Will they be replaced?

The applicant should send a permit application with the above information outlined to the above address or call me at (308) 234-1403 and refer to file number NE 00-11244.

Sincerely,

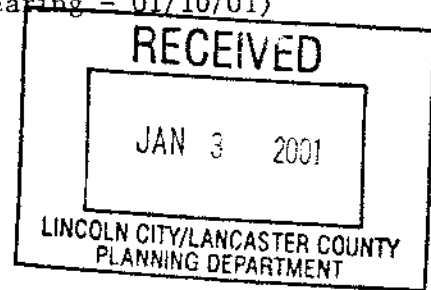
Barbara J. Friskopp
Project Manager



REPLY TO
ATTENTION OF:

ITEM NO. 4.1a,b,c,d. - CHANGE OF ZONE NO. 3213, etc.
(p. 181 - Cont'd Public Hearing - 01/10/01)
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE-KEARNEY
1430 CENTRAL AVENUE STREET, SUITE 4
KEARNEY, NEBRASKA 68847-6856

January 2, 2001



City of Lincoln -- Planning Division
Mr. Ray Hill
555 South 10th Street
Lincoln, NE 68508

Dear Mr. Hill:

SECOND REQUEST

This letter concerns the proposal submitted by Landscapes Unlimited and Essex Corporation to construct "The Preserve on Antelope Creek. The site is located in the NE ¼ of Section 10, Township 9 North, Range 7 East, Lancaster County, Nebraska.

In a letter dated November 17, 2000, I requested more information regarding this project. To date, I have not received the needed information. Please submit the information to this office within 30 days of the letterhead date; if I don't hear from you within that time frame, I will assume the applicant wishes to withdraw the application and I will close the file.

If you have any questions concerning the above, please contact the above address or call me at (308) 234-1403 and refer to file number NE 00-11244.

Sincerely,

Barbara J. Friskopp
Project Manager

cc: CHANGE OF ZONE NO. 3213
SPECIAL PERMIT NO. 1813
USE PERMIT NO. 125
PREL. PLAT NO. 99027, THE PRESERVE ON ANTELOPE CREEK

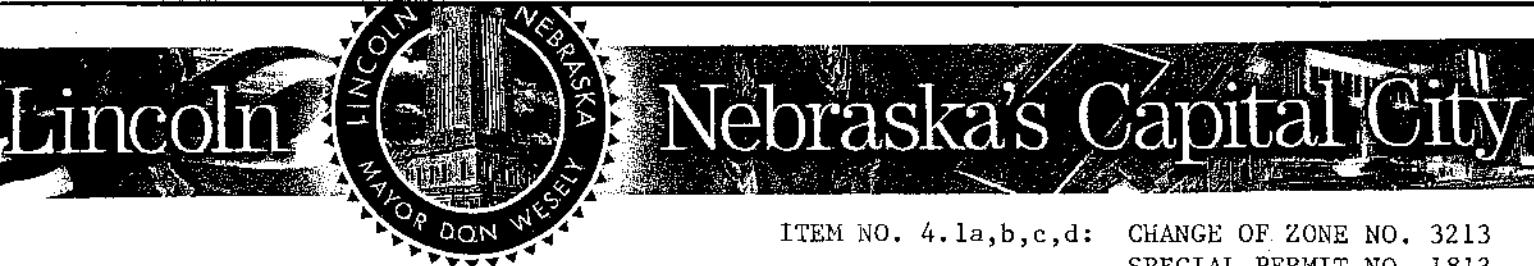
MEMORANDUM

DATE: January 4, 2001
TO: Kent Braasch
FROM: Kay Liang, Planning Department *CL*
SUBJECT: The Preserve on Antelope Creek - request for information
COPY: file

The Army Corps of Engineers is requesting additional information before concluding the review process of your application. The questions to be answered and actions to be taken are listed in the attached two letters dated November 17, 2000, and January 2, 2001. Please contact Barbara Friskopp for details and respond accordingly.

If you need additional information, please contact me at 441-5662.

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ITEM NO. 4.1a,b,c,d: CHANGE OF ZONE NO. 3213
SPECIAL PERMIT NO. 1813
USE PERMIT NO. 125
PREL. PLAT NO. 99027
(p.181 - Cont'd Public Hearing - 01/10/01)

January 9, 2001

Barbara J. Friskopp
Department of the Army - Corps of Engineers, Omaha District
Nebraska Regulatory Office - Kearney
1430 Central Avenue, Suite 4
Kearney, NE 68847-6856

Subject: The Preserve on Antelope Creek, File No. NE 00-11244


Dear Ms. Barbara Friskopp

This letter is to respond to your second request dated January 2, 2001.

Your request for information dated Nov 17, 2000 was included in the Planning Commission Agenda for the November 29, and December 13, 2000 meetings. Both were sent to the applicant prior to the meeting dates. The second request was also forwarded to the applicant on January 4, 2001. Enclosed are a copy of the letters received, and a memo sent to the applicant. It shall be the applicant's responsibility to contact you and submit all information required for you to make the permit decision.

If you need additional information, please contact me at 402-441-5662.

Sincerely,


Ching-Yun Liang
Planner

Enclosures

cc: File
F:\FILES\NCS\CYL\pp99027.letter.wpd

THE PRESERVE

ITEM NO. 4.1a,b,c,d: CHANGE OF ZONE 3213
SPECIAL PERMIT 1813
USE PERMIT NO. 125
PREL. PLAT NO. 99027
(p.181 - Cont'd Public Hearing - 12/13/00)
12-12-00

To: Lincoln Lancaster County Planning Commission
From: Ken and Joann Kontor resident 4210 S. 78th St. and Bill and Terri Allen resident
8000 Pioneers Blvd.
Re: CHANGE OF ZONE NO. 3213, PRELIMINARY PLANT NO. 99027, SPECIAL
PERMIT NO. 1813, AND USE PERMIT NO. 125
S. 80th Street & Pioneers Boulevard

Dear Commission Members:

We the above property owners object to change of zoning at this time. Today, we met with project developer, Mr. Kent Braasch. We expressed our concerns, which I express to you, that the B-2 rezoning is too open ended which could potentially create business establishments that are contraindicated with the quality of life in our neighborhood. We also indicate a concern with the potential erosion of the property values of our homes with which this rezoning creates.

Specifically, we wish to further address the buffer zone issue which requests a frontyard setback waiver and obtain a deed restriction to control the access points on 78th street.

Mr. Braasch agreed to take these concerns under advisement and discuss with his partners next week. After this discussion he agreed to meet with us again to address these concerns.

Therefore I ask that this agenda item be set aside until such meeting takes place for the benefit of all parties involved. Thank you.

Sincerely,


Ken Kontor


Terri Allen

